

DEBORAH F. GAY
UNITED STATES vs STATE OF GEORGIA

July 27, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION
Plaintiff,)	NO. 1:16-cv-03088-ELR
)	
vs.)	
)	
STATE OF GEORGIA,)	
)	
Defendants.)	
- - - - -)	

VIDEOTAPE DEPOSITION OF
DEBORAH F. GAY

Wednesday, July 27, 2022, 9:11 a.m., EST

HELD AT:

Georgia Department of Education
205 Jesse Hill Jr. Drive, S.E.
Atlanta, Georgia 30334

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

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ALSO PRESENT:

BRANDON BRANTLEY, VIDEOGRAPHER

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1 THE VIDEOGRAPHER: This will be the video
2 deposition of Debbie Gay, being taken in the matter
3 of United States of America versus State of Georgia.

4 Today's date is July 27th, 2022.

5 The time on the record is 9:11 a.m.

6 My name is Brandon Brantley. I'm the
7 videographer. Wanda Robinson is the court
8 reporter.

9 Counsel, please identifies yourselves for
10 the record, after which the court reporter will
11 swear in the witness.

12 MS. HAMILTON: Andrea Hamilton for the United
13 States.

14 MS. LILL: Victoria Lill for the United States.

15 MS. GARDNER: Kelly Gardner for the United
16 States.

17 MS. JOHNSON: Melanie Johnson for the State of
18 Georgia.

19 - - - - -

20 DEBORAH F. GAY,
21 being duly sworn, was examined and testified as
22 follows:

23 EXAMINATION

24 BY MS. HAMILTON:

25 Q Good morning, Ms. Gay. How are you?

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1 A I'm fine. Thank you.

2 Q My name is Andrea Hamilton and I represent
3 the United States. I'll be taking your deposition
4 today.

5 Can you please state your full name for
6 the record.

7 A My full name is Deborah Franklin Gay.

8 Q I will be asking you a series of questions
9 and you are under oath to provide complete and
10 honest answers to those questions. Do you
11 understand?

12 A Yes, I to.

13 Q If you do not understand a question that I
14 ask, you should feel free to let me know and I will
15 try to rephrase the question. Okay?

16 A I will.

17 Q If you're not sure of an answer or don't
18 have a complete answer, you must still answer the
19 question to the extent that you can. Okay?

20 A Yes.

21 Q If you need a break at any point, please
22 tell me or your attorney. We will let you finish
23 your answer, or if you're in the midst of your
24 question -- let fee start over.

25 We will let you finish your answer. If

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1 you're in the midst of answering your question, and
2 then we can discuss when and if to break. Okay?

3 A Okay.

4 Q As you can see, the court reporter is
5 recording all that is said here. Because she can
6 only record our words, please speak clearly, and as
7 you noted a few moments ago, please answer every
8 question with a verbal response.

9 Do you understand?

10 A Yes.

11 Q Also, I want us to avoid talking over each
12 other. I will try to not interrupt you when you are
13 answering a question, and I ask you to do your best
14 to do the same and let me finish any question that I
15 ask before you start to answer.

16 Okay?

17 A Okay.

18 Q And is there any reason that you can think
19 of that you would not be able to answer my questions
20 fully and truthfully?

21 A No, there is not.

22 MS. HAMILTON: I want to note on the record
23 also that the United States and the State of Georgia
24 have agreed that all objections except as to form
25 and privilege will be reserved until trial.

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1 MS. HAMILTON: I'm going to start by sharing a
2 document with you in a moment.

3 I would like for the court reporter to
4 mark this document as Plaintiff's Exhibit 281.

5 (WHEREUPON, Plaintiff's Exhibit-281 was
6 marked for identification.)

7 BY MS. HAMILTON:

8 Q This is a copy of the subpoena that was
9 issued to Deborah Gay to testify at this deposition.
10 The subpoena is directed to Deborah Gay, correct?

11 A Yes.

12 Q I am going to give you a moment. I'm
13 going to give you control of the document and give
14 you a moment to just skim through to look at it.

15 And let me know when you've finished
16 reviewing it.

17 A I'm having trouble scrolling down. What
18 do I need to do here?

19 Q There might be a slight delay. Is it
20 working now?

21 A I'm not doing it correctly. Let's try
22 this.

23 I try to page down. That's not helping
24 me. I can't use the slide bar because there's a --
25 sorry.

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1 Q No worries. And I know he switched
2 computers. I don't know if that makes a difference?

3 MS. JOHNSON: If you go to view, you should be
4 able to move.

5 THE WITNESS: I don't know which icon that is.

6 MS. JOHNSON: Right there.

7 THE WITNESS: Right there. Okay.

8 MS. JOHNSON: And then maybe go to side-by-side
9 gallery, just to get the names out of the way, so
10 you can see the scroll bar.

11 THE WITNESS: Okay. There we go. Thank you
12 for your help.

13 MS. JOHNSON: It's working.

14 A Is this a copy of the subpoena that I
15 received that was delivered to me?

16 Q Yes, it is.

17 A I read that completely, and I understand
18 the subpoena.

19 Q Okay.

20 A If that's adequate for you.

21 Q That is helpful. I do want to make sure
22 the technology is working.

23 MS. HAMILTON: Can we go off the record.

24 THE VIDEOGRAPHER: We're off the record at 9:16
25 a.m.

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1 (Discussion ensued off the record.)

2 THE VIDEOGRAPHER: Back on the record at 9:17
3 a.m.

4 MS. HAMILTON: So just to make sure the record
5 is clear, I would like for the court reporter -- I
6 believe the court reporter has already marked this
7 document as Plaintiff's Exhibit 281.

8 This is a subpoena to testify at a
9 deposition in a civil action, and the subpoena
10 is directed to Deborah Gay.

11 BY MS. HAMILTON:

12 Q I am going to give you, Ms. Gay, control
13 over this document again.

14 A Okay.

15 Q Just to give you a chance to scroll
16 through.

17 (Witness reviews exhibit.)

18 Q When you are finished, I'll take control
19 back.

20 A Okay.

21 Q So you have seen this document before,
22 correct?

23 A Yes, I have.

24 Q When were you -- where were you served
25 with this document?

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1 A At my home in -- on Amelia Island in
2 Fernandina Beach.

3 Q And you're here today on account of this
4 document?

5 A Yes, I am.

6 Q You acknowledge that the date on here says
7 June 24th, but the deposition was rescheduled --

8 A Yes.

9 Q -- for July 27?

10 Do you see at the top of this document
11 that it has a case name United States versus State
12 of Georgia?

13 A Yes.

14 Q You understand that this deposition is
15 being taken in connection with the litigation
16 against the State of Georgia relating to the Georgia
17 Network for Educational and Therapeutic Support
18 Program?

19 A Yes, I do.

20 Q And you are aware that that program is
21 commonly referred to as the GNETS program?

22 A Yes.

23 Q When did you first learn about the GNETS
24 litigation?

25 A In July of 2015, I believe.

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1 Q And how did you learn about it?

2 A In my role as state director for special
3 education I became aware of the lawsuit.

4 Q Do you remember speaking with any
5 attorneys from DOJ in the past about this case?

6 A Yes, I do.

7 Q And what was the context of those
8 meetings?

9 A I believe it was to gain information about
10 the network.

11 Q What is your understanding of what this
12 case is about?

13 A Um, I believe the case, there is a concern
14 in the case that there is some inequitable services
15 for children who are served in the GNETS program.

16 Q What did you do to prepare for this
17 deposition?

18 A I spoke with Melanie, the attorney for the
19 State, just really about how a deposition works.

20 Q And you don't have to go into the content
21 of what that meeting entailed, but how long did your
22 meeting last?

23 A 30 minutes maybe.

24 Q And how many meetings did you have?

25 A One.

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1 Q Was anyone else present during that
2 meeting?

3 A No. It was a virtual meeting.

4 Q Did you speak to anyone else in
5 preparation for this case?

6 A I did not.

7 Q Did you review any documents in
8 preparation for this deposition?

9 A Um, I looked at the GNETS rule online.

10 Q And why did you look at the rule?

11 A The rule was I think passed by the State
12 Board in July -- in '17. I don't remember the
13 month, but I knew that the rule had changed from the
14 time that I was state director.

15 Q Did you review any other documents --

16 A I did not.

17 Q -- in preparation?

18 Did you review any deposition transcripts?

19 A I did not.

20 Q Did you do anything else to prepare?

21 A No, I did not.

22 Q Have you ever had your deposition taken
23 before?

24 A Not -- no, not a formal deposition as this
25 is.

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1 Q Have you ever had your deposition taken
2 under oath, where you've been questioned under oath?

3 A The only time I've been under oath was in
4 due process hearings.

5 Q And what was the context of those due
6 process hearings?

7 A Two times that are different. When I was
8 a local director of special education I testified in
9 due process hearings that were brought by parents
10 against the district regarding the services for
11 their children.

12 When I was at the State, I was called as a
13 witness in a due process hearing of the same nature.

14 Q I will be using some acronyms today for
15 brevity, and I want to run through a few of those
16 now --

17 A Okay.

18 Q -- just to make sure we're on the same
19 page.

20 When I refer to "Georgia DOE," or the
21 State DOE, would you understand that I'm referring
22 to the Georgia Department of Education?

23 A Yes.

24 Q When I refer to "DBHDD," will you
25 understand that I'm referring to the Georgia

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1 Department of Behavioral Health and Developmental
2 Disabilities?

3 A Yes.

4 Q When I use the acronym "DCH," will you
5 under that I'm referring to the Georgia Department
6 of Community Health?

7 A Yes.

8 Q If I refer to "GNETS centers," will you
9 understand that I'm referring to the standalone
10 GNETS locations?

11 A Yes.

12 Q If I refer to "GNETS school-based
13 locations," will you understand that I'm referring
14 to the GNETS locations that are based in general
15 education settings?

16 A Yes.

17 Q If I use the acronym "PBIS," will you
18 understand that I'm referring to the term Positive
19 Behavioral Interventions and Supports?

20 A Yes, I will.

21 Q And if I use the acronym "EBD," will you
22 understand that I'm referring to emotional and
23 behavioral disabilities?

24 A Yes.

25 Q And if I use the term "general education

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1 settings," will you understand that I'm referring to
2 public schools in Georgia where children with EBD
3 and other behavioral health conditions are receiving
4 instruction and services alongside children who do
5 not have disabilities?

6 A Yes.

7 Q All right. I'd like to start out by
8 discussing your professional and educational
9 background.

10 Do you hold any educational degrees?

11 A Yes, I do.

12 Q What are they?

13 A I have a B.S. in emotional behavior
14 disorders, and I have a Master's degree in learning
15 disabilities, and I have an Ed.S. in education
16 administration.

17 Q So let's start with the B.S. Where did
18 you receive that from?

19 A The University of Tennessee.

20 Q Okay. And when?

21 A 1973.

22 Q And then you mentioned you have a Master's
23 in education. Where did you receive that from?

24 A I have a management's in the area of
25 learning disabilities.

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1 Q Learning disabilities?

2 A At the University of Florida, in 1974.

3 Q And then you also mentioned that you have
4 an Ed.S.?

5 A I do.

6 Q Where is that from?

7 A From the University of Georgia, and I
8 don't know the year. It was in the early '90s.

9 Q Okay. And what was your Ed.S. in? What
10 was the area?

11 A Education leadership and administration.

12 Q Do you have any other graduate or
13 professional degrees?

14 A No, I do not.

15 Q Any other certificates or licenses that
16 would be relevant to your education?

17 A I went through the mediation training at
18 the Justice Center here in Atlanta.

19 I have been through training for Positive
20 Behavior Interventions and Supports.

21 And I have done crisis prevention
22 intervention training. I've taken it and I've been
23 a certified trainer.

24 Q You are currently retired, correct?

25 A Yes, I am.

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1 Q How long have you been retired?

2 A Since 2017.

3 Q I'm going to prepare to show you another
4 document.

5 A Okay.

6 MS. HAMILTON: I'd like for the court reporter
7 to mark this document as Plaintiff's Exhibit 282.

8 (WHEREUPON, Plaintiff's Exhibit-282 was
9 marked for identification.)

10 BY MS. HAMILTON:

11 Q This is a copy of the resume of Deborah
12 Gay we received in an email in the State's discovery
13 production.

14 A I lost it. I'm sorry. Looked like an
15 email, not my resume.

16 Q Yes. So it is -- it's two documents.

17 A Okay.

18 Q The exhibit has a cover email and then the
19 attachment --

20 A Okay.

21 Q -- is going to be the resume.

22 MS. LILL: For the record, the first page of
23 this document is Bates-stamped GA00168052.

24 Q I'm going to give you control just so you
25 can review it and let me know when you're ready.

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1 (Witness reviews exhibit.)

2 A There it is.

3 Q I should note that what we received was
4 through 2016.

5 A You're asking me to review this for
6 accuracy?

7 Q Just to review and ensure you recognize
8 the document.

9 A Okay.

10 (Witness reviews exhibit.)

11 A Yes, I recognize the document.

12 Q What is this document?

13 A It's a copy of my resume that was sent
14 to -- to NASDE, I'm believing since it's attached to
15 an email from Nancy Reder.

16 Q So as I noted, this first page is the
17 cover email. We're going to focus on the
18 attachment, which is the resume.

19 A Okay.

20 Q And just to ensure we have the most
21 accurate information, I don't believe this includes
22 your last position at the Department of Education.
23 Is that correct?

24 A That's correct.

25 Q What was your last title when you were

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1 enrolled -- sorry -- when you were employed with the
2 Georgia Department of Education?

3 A I was deputy superintendent with the
4 oversight for Federal Programs as well as special
5 education.

6 Q Is this otherwise an accurate copy of your
7 resume?

8 A Yes.

9 Q When did you hold the position of deputy
10 superintendent of Federal Programs and Special
11 Education?

12 A I believe from '20 -- the end of 2015
13 through my retirement in November of 2017.

14 Q And if you need to reference your resume
15 at any point during the questions, feel free.

16 A Okay. And I'm not -- I really can't
17 remember when I started. I believe it was in that,
18 that beginning date I gave you. I know it ended in
19 November of 2017.

20 Q All right. So just to ensure, we know it
21 ended November 2017?

22 A Yes.

23 Q What were your job responsibilities in
24 that position?

25 A Um, I worked with the programs that had

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1 federal funds. So that would be title -- all the
2 Title III programs, which was a -- that's a big
3 allotment to support school districts with
4 underperforming and low income students.

5 And I worked also with -- did not have
6 direct oversight of Title II, which is leadership
7 and teacher certification, but worked
8 collaboratively with the deputy superintendent who
9 oversaw that program.

10 And with special education I worked
11 directly with the director, the new director of
12 special education here at the State, to -- and my
13 main role, I believe, was to help coordinate
14 services across funding. You know, to bring it in
15 line with state initiatives, to be sure that funds
16 are being used appropriately, across all those
17 grants.

18 But I would say the coordination of the
19 services was the most important part of my role.

20 Q Who, if anyone --

21 A Let me add to that, too, Title I. Title I
22 is a big pot, Title III is the SOL students, now
23 that I'm thinking about it.

24 Q Anything elsewhere?

25 A No.

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1 Q Who, if anyone, interviewed you for this
2 position?

3 A Which position?

4 Q The deputy superintendent of Federal
5 Programs and Special Education?

6 A Matt Jones, and I don't recall if there
7 was anyone else. There could have been but I don't
8 recall.

9 Q And did they tell you why you were chosen
10 for that job?

11 A I think because of my longevity at the
12 department and my experience in working with title
13 programs.

14 Q In that position, who did you report to?

15 A Matt Jones.

16 Q And who did you supervise?

17 A A lot of people. Craig Goodmark, Shaun
18 Owens, John White, Zelphine Smith-Dixon.

19 The primary people that I supervised, and
20 they all had supervisory responsibilities for staff
21 that worked with them.

22 Q And you mentioned Craig Goodmark. Do you
23 remember what his position was?

24 A It's not Craig Goodmark. I'm sorry.
25 That's the wrong name. He's an attorney.

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1 Q Just double-checking.

2 A Who I also know.

3 Craig -- I can't remember his last name.

4 He was the program -- he was the coordinator for
5 Title I.

6 Q Was it Geer?

7 A Craig Geers. Thank you. Sorry.

8 Too many Craigs in my life.

9 Q Is it possible you were also supervising
10 other people, or were those the core?

11 A Those are the people that I primarily
12 supervised.

13 Q Why did you leave this position?

14 A Well, because I had been working in
15 education for 42 years and I decided it was time.

16 Q And who was hired for this position when
17 you left?

18 A I don't know.

19 Q When you served in that position, did you
20 -- I know you mentioned that your supervisor was
21 Matt Jones. Did you also report to the State Board
22 of Education directly?

23 A There were times when I did presentations
24 to the State Board. And I think my promotion was
25 probably approved by the State Board.

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1 Q In that position did you meet with the
2 superintendent on any regular basis?

3 A I did meet with the superintendent, not on
4 a scheduled regular basis.

5 Q And what about the other deputy
6 superintendents, did you regularly meet with them?

7 A Yes, we did have meetings to coordinate
8 services.

9 Q Before turning to your next position, I
10 know we were trying to nail down when you started
11 this position, and on your resume it says -- on your
12 resume this position is not listed, correct?

13 A Right.

14 Q But it does say that you served as a
15 director of the Division for Special Education
16 Services and Supports through September 2010 to
17 present, and I just wanted to go back to the date
18 that this email was sent.

19 And do you see where it says that this
20 email was sent on March 23rd, 2016?

21 A Yes.

22 Q So you were in that position as director
23 of Special Education Services and Supports through
24 at least March 2016?

25 A Yes, I would say that's correct.

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1 Q And as we go through other documents
2 later, we can nail down the date even more.

3 All right. So before serving in the role
4 of deputy superintendent of Federal Programs and
5 Special Education, what was your prior position?

6 A I was the state director for special
7 education.

8 Q And when did you hold that position?

9 A I'll have to look at my resume.

10 Q And you should still have control?

11 A Okay.

12 From September 2010 until I moved into the
13 deputy superintendent position, which again I am not
14 -- I do not recall the exact date of that
15 transition.

16 Q But some time in 2016?

17 A Most have been, based on this email.

18 Q What were your job responsibilities in
19 this position?

20 A As state director?

21 Q Yes.

22 A I had the oversight for the programs, and
23 they're all listed on my resume.

24 So I was over Budget, Data Dispute
25 Resolution, Curriculum and School Improvement,

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1 Focused Monitoring, Georgia Assistive Technology
2 Project --

3 THE COURT REPORTER: Wait.

4 A Georgia Instructional Materials Center,
5 Positive Behavioral Interventions and Supports,
6 Professional Learning, Georgia Learning Resource
7 System, Georgia Network of Educational and
8 Therapeutic Supports, and the Parent Mentor
9 Partnership.

10 All of those programs I would say with the
11 exception of the GNETS program had a program manager
12 in the office.

13 The GNETS program, we typically had staff
14 assigned who worked with those program directors and
15 helped with sharing information from the department
16 to those GNET directors.

17 Q So you're saying there was not a program
18 manager for GNETS who worked directly in your
19 office?

20 A Not during the time that I was the state
21 director, but there was a program manager who had
22 that assignment as part of their duties.

23 Q Do you know who that person was?

24 A It was several people over the years.

25 I recall that Dr. Mike Blake was in that

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1 role for a period of time.

2 Prior to that I believe Ginny O'Connell
3 was in that role.

4 Then the last person was Nakeba Rahming,
5 who was hired and really became a more official
6 person with GNETS as her direct responsibility.

7 There may have been some other staff but
8 those are the only names that I recall at this time.

9 Q Thank you.

10 Do you know roughly how far back Mike
11 Blake and Ginny O'Connell would have served in this
12 capacity?

13 A During the time when I was director, and
14 Ginny O'Connell may have been prior to that, when
15 the other special Ed directors -- there was a team
16 prior to me. There were two -- there were two
17 special Ed directors who shared that role.

18 Q So for Mike Blake, is it accurate to say
19 it would have been some time between September 2010
20 and the end of the time that you served as a special
21 education --

22 A Yes.

23 Q -- state director?

24 For Ginny O'Connell, is it correct hers
25 would have been during that time frame or possibly

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1 before?

2 A That's possible. I really cannot say with
3 any accuracy. I'm sorry.

4 Q So returning to your role as the state
5 special education director, who interviewed you for
6 that position?

7 A Nancy O'Hara, and I don't recall who else
8 was on the team.

9 Q And what was Nancy O'Hara's position?

10 A She was one of the two state directors for
11 special education.

12 Q Do you know why you were chosen for that
13 job?

14 A I applied for the position and it became
15 available. Upon her retirement -- she and Kim
16 Hartzell retired, and I applied for the position and
17 was promoted. I was the budget manager for -- prior
18 to that I was over Dispute Resolution, Budget and
19 Data.

20 Q And when you were serving as a state
21 special education director, who did you report to?

22 A I believe I reported to Matt Jones.

23 Q Do you remember what position Matt Jones
24 had at that time?

25 A He was the -- I don't know formally what

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1 his title was. He worked directly under
2 Superintendent Woods.

3 Q Chief of staff or --

4 A Chief of staff. That's probably the
5 right.

6 Q So is it accurate to say that you reported
7 to him for both your position as the state special
8 education director and when you were promoted --

9 A Yes.

10 Q -- to deputy superintendent?

11 A Yes, it is.

12 Q As state special education director, who
13 did you supervise?

14 A The program managers responsible for the
15 programs I previously stated.

16 Q What led you to change positions to serve
17 as a deputy superintendent?

18 A Um, I think there was a lot of commitment
19 in the department to bring together the services
20 across all the divisions, and that kind of
21 collaboration and coordination was something that I
22 was very interested in, to have curriculum and
23 instruction aligned with the Federal Programs and
24 Special Education, as well as all the work the
25 department was doing in supporting schools.

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1 And we worked on a model that came to be a
2 model for the state about the whole child and how
3 you serve the whole child, looking at different
4 important aspects of education.

5 Q When you were promoted to the deputy
6 superintendent position, who replaced you as a state
7 special education director?

8 A Dr. Zelfhine Smith-Dixon.

9 Q When you served as a state special
10 education director, did you regularly report to the
11 State Board of Education?

12 A Um, I'm not sure what you mean by report.
13 Can you clarify that a little bit?

14 Q Sure. Did you have regular interactions
15 with the State Board of Education?

16 A My primary interactions were to go before
17 the budget committee and present budget documents to
18 be approved and then taken to the Board, taken
19 directly to the State Board for approval.

20 Q A moment ago you mentioned that prior to
21 serving as the state special education director, you
22 served as the State Department of Education program
23 manager for Budget Data and Dispute Resolution for
24 the Division of Special Education --

25 A Yes.

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1 Q -- Services; is that correct?

2 A That is correct.

3 Q When did you hold that position?

4 A Let me look at my resume again.
5 November 2007 until April of 2010.

6 Q What did you do in that role?

7 A There was a gentleman, Dr. Harry Repsher,
8 who was responsible for approving budgets. I
9 supervised him and worked with him.

10 Bonnie Dye was over all the data systems
11 for special education and data reporting to OSEP.

12 So I worked with her.

13 I had the primary responsibility for
14 managing the dispute resolution processes here at
15 the State.

16 Q What led you to change positions and to
17 serve as a state special education director?

18 A When the two directors retired, it was
19 something that I had interest in because I felt like
20 we could continue to move the work forward across
21 the different divisions and programs for special
22 education.

23 Q And do you know who replaced you in this
24 position as program manager?

25 A Mike Blake.

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1 Q And that's the same Mike Blake who you
2 mentioned has served as one of GNETS --

3 A Yes.

4 Q -- directors or program managers?

5 A Yes. But that role was a little bit
6 different. He served as really a communication
7 liaison between the department and those GNET
8 directors.

9 Q So prior to serving as the program manager
10 for budget, data and dispute resolution, what
11 position did you hold?

12 A I was -- I was the executive director for
13 special education services in DeKalb County School
14 System.

15 Q When did you --

16 A Is that right? I'm looking at my -- I
17 think that's right. Yes.

18 That is correct.

19 Q Okay. When did you hold that position?

20 A I got to scroll back up.

21 I know I retired in 2007. Let me see when
22 it started.

23 January 2005 to September 2007.

24 Q And what did you do in the role of
25 executive director of special services for DeKalb

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1 County?

2 A I had a lot of responsibilities. I was
3 over the Department of Special Education as well as
4 alternative schools, the International Center, the
5 center-based programs for students with severe
6 disabilities, Crisis Management Teams.

7 I'm sorry, I'm having trouble navigating
8 this document. I acknowledge my skills are not
9 great.

10 Q Are you trying to get to this right here?

11 A Yes. I'm trying to see the things that I
12 wrote down that I did.

13 Yeah, I participated in the group that did
14 systemwide planning and tried to make sure that --
15 oh, I had school social work and school psychology,
16 too, and drivers education.

17 Q Quite the variety.

18 A Yes.

19 Q Did you have any responsibilities in
20 connection with the GNETS program as the executive
21 director of special services?

22 A I'm trying to think.

23 I know that I probably continued to have
24 communication with the director in DeKalb. When I
25 was the executive director, I would meet with the

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1 heads of all of these divisions I've listed, and I
2 believe that during that time I would also have met
3 with the director of the GNETS program in DeKalb.

4 Q And prior to serving in this role, you
5 served as a DeKalb Rockdale GNETS program director;
6 is that correct?

7 A Yes, I did.

8 Q How long did you serve in that role?

9 A From July 1999 to December of 2004.

10 Q What did you do in that position?

11 A I met regularly with the people who were
12 directing the work at the centers and the
13 school-based programs. I worked to coordinate with
14 the director of special education the services, that
15 curriculum and instructional materials for those
16 students.

17 I helped bring professional learning to
18 the programs, and I had to be the test coordinator
19 for GNETS programs.

20 And I worked with the parent community
21 partnerships that required advisory board meetings
22 that had to be held. I was directly involved with
23 those.

24 You know, a lot of troubleshooting with
25 the people who were working directly in the

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1 programs.

2 Budget, budget and data. I was
3 responsible for the annual report and the budgets.

4 Q When you were serving in that position,
5 was there anyone from the State Department of
6 Education who was your main point of contact?

7 A Yes.

8 Q Who was that person?

9 A Terry Fletcher.

10 Q And do you remember what Terry Fletcher's
11 title was at the time?

12 A I do not. And Susan McKenzie also served
13 in that role, and I don't remember who was first
14 from the State.

15 Q But those individuals being your points of
16 contact, what were their -- what were their
17 responsibilities to you?

18 A They regularly met with the directors of
19 the GNETS programs, giving updates on information
20 about annual reports and budgets, giving the
21 directors ways to access other supports the
22 department could provide.

23 Q Prior to serving as a DeKalb Rockdale
24 GNETS program director, what position did you hold?

25 A Let's see. I was the high school program

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1 coordinator. I did the elementary programs and then
2 I did the outpost programs.

3 So I had a variety of different roles
4 during that period of time from '94 to '99.

5 Q And what is the difference between a
6 director versus a program coordinator for GNETS
7 program?

8 A The DeKalb Rockdale program was a big
9 program. So at the -- at the programs there was
10 like a tiered system of support for the program. So
11 you had a director, and then there were principals
12 in DeKalb County, because there were two standalone
13 programs who had principals, and then there were
14 coordinators who worked directly with the teachers
15 to do therapeutic planning for the students.

16 Q And as a coordinator, you were fulfilling
17 that last --

18 A Yes.

19 Q -- responsibility?

20 A That was really the role of the
21 coordinator, was to meet regularly with the
22 teachers, and what we called debriefing. So talking
23 about issues that were coming up with students,
24 talking about if they were getting the mental health
25 services they needed, talking about different

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1 strategies used in the classrooms, making sure that
2 the staff had adequate support for supervision and
3 access to materials.

4 Q And I know you mentioned that you did a
5 variety of things in that capacity from 1994 to
6 1999. On your resume it also looks like you -- your
7 focus was elementary from 1986 to 1994; is that
8 correct?

9 A Looking at this, that's what I shared. I
10 have to tell you, I can't directly remember this
11 ancient history.

12 And also when I'm looking at this, I was
13 involved in a million IEP meetings. That was
14 another major part of the role.

15 Q But you would say this is an accurate --

16 A The time frame, yes.

17 Q -- copy of your resume? Okay.

18 And then lastly it looks like here you
19 served as a special education classroom teacher --

20 A I did.

21 Q -- for a period of time.

22 What was the time period you were a
23 special education classroom teacher?

24 A 1974 to 1986. I think. '74 to -- it says
25 to '79.

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1 '74 to '79 I was an elementary school
2 teacher, and then I worked as a special education
3 teacher in the county for a year. I was off with my
4 child for a year and then I went back as a high
5 school teacher in '79.

6 Q Was all of this in DeKalb County?

7 A Yes.

8 Q All right. I want to spend a bit more
9 time talking about your roles as the State
10 Department of Education deputy superintendent, as
11 well as state special education director.

12 Starting with your work as a state special
13 education director, can you tell me what were your
14 job responsibilities as the director of special
15 education that involved GNETS?

16 A I'm going to take a minute to think
17 because I want to be accurate.

18 Q Go right ahead.

19 I'm going to stop sharing.

20 A On occasion I went to GNET directors
21 meetings. I worked with the staff here in the
22 department who were providing support to the GNETS
23 programs. And I also went to RESA meetings on
24 occasion to share information as some of them acted
25 as the fiscal agents for GNETS programs, to answer

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1 questions and give -- share information.

2 Q Anything else?

3 A I did -- and I don't know -- I did a
4 monthly webinar with local special Ed directors. I
5 believe some GNET directors also participated in
6 those. I don't have a list of who signed on and who
7 participated, but I believe that some did.

8 Again, that was just communication from
9 the department.

10 Q When you were the state special education
11 director, what responsibilities did you have
12 connected to GNETS that dealt with budget or funding
13 issues?

14 A The GNETS directors submitted an annual
15 report. I would work with the data manager who was
16 responsible for looking at the data to provide the
17 information needed to do the allocations.

18 The budget manager in the office would
19 review the GNETS budgets and bring any -- bring any
20 questions to me, but he was directly responsible for
21 the approval of the budgets.

22 Q When you were serving as a state director
23 of special education, what job responsibilities did
24 you have that involved GNETS in connection with the
25 provision of services to students?

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1 A I would say it was a very administrative
2 level. Looking at requests for needed services,
3 budgets.

4 That's really all I recall.

5 Q Okay. Also when you were serving in that
6 position, did you have any job responsibilities that
7 involved GNETS and providing mental health or
8 therapeutic services?

9 A Well, the provision of FAPE was the
10 primary responsibility of the GNETS program. So
11 when you back up and you think about how a student
12 becomes involved with GNETS, that IEP team plays a
13 critical role in what those services should look
14 like.

15 So as the state director I was involved
16 with sometimes a dispute resolution, a due process
17 request or complaint that came into the department,
18 that may have been connected to a student in the
19 GNETS program.

20 And that's -- that's really what I recall.
21 My memory is getting further and further away from
22 this work, I will be honest with you.

23 Q That's understandable. When possible,
24 we'll have documents that will hopefully help
25 refresh your memory.

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1 A Okay.

2 Q Do you recall when you were the state
3 special education director doing any -- having any
4 responsibilities related to GNETS that involved
5 program administration, so like hiring of staff or
6 working on any documents?

7 A Delegating that responsibility for a
8 contact in the department, and then the hiring of
9 Nakeba Rahming, who was to be -- eventually became a
10 director with working with the GNETS program.

11 Q Who did you work closely with at the State
12 Department of Education in connection with your work
13 that involved GNETS?

14 A The PBIS team. I believe I coordinated
15 some training. I don't know -- I can't remember if
16 GNETS was directly involved with the Justice Center
17 in Atlanta. Complaint investigators.

18 And then technology services. Bob
19 Swiguph's team.

20 Q Was Bob Swiguph involved with any of the
21 data management and reporting?

22 A His team was. He had people on his staff
23 who were working with updating and putting in place
24 technology services more directly that could collect
25 data and then be more directly -- I think providing

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1 us more information in terms of looking at a lot of
2 things about the GNETS students.

3 Q You also mentioned earlier that you
4 reported to Matt Jones; is that correct?

5 A Yes.

6 Q Did you work with Clara Keith?

7 A Um, not directly.

8 Q What would your interactions with Ms.
9 Keith have looked like at the time?

10 A Well, I interacted with her when she was a
11 DOE staff member, so I knew her from that time. And
12 I had some limited conversations with her when she
13 became back involved with the GNETS program.

14 Q You mentioned you were involved with
15 Nakeba Rahming's hiring?

16 A Yes.

17 Q Did you work closely with Ms. Rahming?

18 A When she came on board, one of my I think
19 duties was to try and acquaint her with the GNETS
20 program, provide her as much information as I could.

21 I went to meetings with her to introduce
22 her to the GNETS directors and just tried to
23 historically provide her with support and
24 information that she needed.

25 As she moved more into that role and

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1 became a director, our interactions were again very
2 limited. I was no longer her supervisor.

3 Q For the initial period you were her
4 supervisor, though?

5 A Um, for a very short period of time after
6 she was hired.

7 Q Did you coordinate with Dr. Smith-Dixon in
8 connection with GNETS while you were state special
9 education director?

10 A I don't -- I don't -- when I was state
11 director?

12 Q Yes.

13 A Okay. Her role then was assistant
14 director, I believe.

15 As with all parts of special education
16 services in the program -- in the State, I'm sure
17 there were some conversations. I don't recall any
18 directly.

19 Q What about Garry McGiboney, would you have
20 worked with him during that time in connection with
21 the GNETS program?

22 A I had a lot of interactions with
23 Dr. McGiboney. He was my supervisor in DeKalb
24 County, so we've had a lot of -- we had a
25 long-standing relationship.

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1 He was very involved with positive
2 interventions and supports here in the State, and I
3 think through that work there was certainly some
4 connection to GNETS.

5 Q Were there any individuals who stood out
6 at other agencies who you worked closely with during
7 that time in connection with any issues related to
8 GNETS?

9 A I certainly had connections with other
10 agencies. It's difficult right now for me to
11 remember if it was directly around GNETS.

12 Certainly with DBHDD and DCH there were
13 lots of conversations about services to children in
14 the State. They would have included GNETS but I
15 don't recall if they were exclusive.

16 That's to the best of my memory.

17 Q Sure. And we'll talk in more detail about
18 some of those.

19 A Okay.

20 Q I do just want to ask you about just some
21 of the regular meetings that you participated in.

22 Do you recall having regular leadership
23 meetings with Matt Jones, Nakeba Rahming, and Clara
24 Keith?

25 A No.

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1 Q I want to show you a document momentarily.

2 MS. HAMILTON: I would like for the court
3 reporter to mark this next document as Plaintiff's
4 Exhibit 283.

5 (WHEREUPON, Plaintiff's Exhibit-283 was
6 marked for identification.)

7 MS. HAMILTON: This is an email from Deborah
8 Gay to the RESA directors on February 15, 2016, and
9 the beginning Bates number is GA00040637.

10 This document does have -- I'm sorry.
11 This exhibit does have multiple parts, cover
12 email and then an attachment.

13 BY MS. HAMILTON:

14 Q Ms. Gay, I just want to give you a moment
15 to scroll --

16 A I see the cover document. I'm not seeing
17 the attachments.

18 Q When you finish reviewing, let me know if
19 you recognize this document?

20 A Okay.

21 (Witness reviews exhibit.)

22 A I do recognize it. I mean I don't
23 remember it but apparently I did write it.

24 Q You recognize it. Okay.

25 So let's go back up to the top so we're

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1 clear on what we're looking at.

2 So this is an email you sent to the RESA
3 directors on February 15, 2016, correct?

4 A Uh-hum. (Affirmative.)

5 Q Let's go down to the attachment. The
6 attachment looks like a summary of some of the roles
7 --

8 A Right.

9 Q -- that people have.

10 A Right.

11 Q If you look at the fourth paragraph here.

12 A Where it says "a team including Matt
13 Jones, Clara Keith"?

14 Q Yes.

15 A Yes. I would say we had some -- when
16 Nakeba was coming into her work, we were certainly,
17 and I had forgotten the section about Mike Rowland
18 and the facilities. That was a big part of the work
19 that was going on.

20 There was a transition period, is the best
21 I can say, that there were some -- probably some
22 initial meetings that I really don't recall, but
23 when all of this work was starting. Because I had
24 been in contact with the GNETS directors, I think
25 since the lawsuit was filed, and I think this was

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1 the beginning of that transition where I think Clara
2 Keith and Nakeba became more of the primary
3 contacts. So there may have been a meeting. I
4 don't remember if it happened monthly. I couldn't
5 remember.

6 Q At the time did you inform the RESA
7 directors you were meeting monthly with Matt Jones
8 and Clara Keith and Nakeba Rahming?

9 A I believe I did, and that may have
10 happened for some period of time. Again, I just
11 don't recall.

12 Q Also, earlier you had mentioned that you
13 were sending out monthly -- had mentioned RESA
14 meetings, and here in the same paragraph it says
15 Debbie Gay will provide monthly updates to the RESA
16 directors.

17 So you were also providing -- do you
18 recall, are these written updates or meetings?

19 A Usually what it meant was I would go to
20 the RESA meetings, and it wasn't just about GNETS.
21 There was a lot of information from the State that
22 RESA directors were interested in and needed
23 information about, and I didn't go to every monthly
24 RESA meeting but tried to go to a lot of them just
25 to be a connection between the State and the RESA

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1 directors. But, again, it was not exclusively about
2 GNETS.

3 Q I'm going to stop sharing this document.

4 Earlier you mentioned that you sometimes
5 participated in GNETS director meetings. What were
6 those?

7 A Pardon me?

8 Q Earlier you mentioned that you sometimes
9 participated in GNETS director meetings. What were
10 those meetings?

11 A The GNETS directors met, and I don't know
12 how often. When I was a GNETS director we met
13 probably quarterly, just to talk about issues across
14 the programs and what was working, what wasn't
15 working. More of a brainstorming informational
16 situation.

17 I did attend some GNETS meetings. I
18 really cannot recall the dates, the when, you know.

19 But because I had been a former GNETS
20 director, I certainly had a lot of contacts with
21 folks who were in GNETS and who were serving in that
22 director role, and sometimes they would invite me to
23 come to the meetings.

24 Q As a state special education director, did
25 you ever meet with elected officials or the State

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1 legislature to discuss issues related to GNETS?

2 A With elected officials?

3 Q Or anyone from the State legislature.

4 A Maybe from the budget office, but that's
5 all I recall.

6 And I'd like to clarify. When I try to
7 recall, it's hard for me to remember if something
8 was specific to GNETS or if GNETS was just included
9 in that conversation as a part of special ed
10 services in the state.

11 Does that make sense?

12 Q That does.

13 A So it's hard for me to sort out what was
14 particular to GNETS and what was just about all
15 special education students in the State.

16 Q Okay. But presumably in some of those
17 meetings there were discussions about GNETS, even if
18 they weren't focused solely --

19 A Well, because they were special education
20 students in the State, of course.

21 Q Are there any other regular meetings at
22 this time that come to mind? And we'll talk more
23 about some as we go on.

24 A When you say regular meetings, tell me
25 what -- be more specific about that.

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1 Q Sure. Any other regular meetings that you
2 participated in as a state special education
3 director where GNETS would have been a topic of the
4 meeting?

5 A I am sure -- no, I am not going to say I
6 am sure. I believe I recall we had some in-house
7 meetings about GNETS here at the department. I do
8 not recall any specifics about those. And there
9 were some meetings with some of the attorneys but I
10 am very fuzzy on the details, nor would it be
11 appropriate for me to discuss that content.

12 Q Sure, we don't need any details about your
13 attorney meetings.

14 For the in-house meetings that you
15 referenced -- I don't need to know details -- to the
16 extent I know you're saying the details are fuzzy,
17 but do you recall who might have been in those
18 meetings?

19 Would those have been meetings with other
20 deputies -- well, I guess at that time you were the
21 state special education director, but other people
22 in your department specifically or --

23 A We had -- I had a monthly staff meeting
24 and we discussed all kinds of issues, all kinds of
25 plans for improvement. We had, you know, state

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1 improvement plans for special education. We were
2 coordinating with school support.

3 So, again, I think GNETS probably were
4 included in that. We talked about positive behavior
5 interventions and supports and how to get that work
6 out and the training out to those programs.

7 Q I want to transition now to talk about
8 when you were serving as a deputy superintendent.

9 Were there any specific job
10 responsibilities that pertained to GNETS, similar to
11 what we were walking through with your other role?

12 A Not that I recall.

13 Q Would any of the responsibilities that you
14 named earlier as state special education director
15 have continued on when you became -- when you were
16 promoted to deputy superintendent that involved
17 GNETS?

18 A Probably just in my interactions with the
19 state director. Again, I just don't recall. I'm
20 sorry.

21 Q But you continued to interact with the
22 state director?

23 A Yes.

24 Q And that was Ms. Rahming?

25 A No. The state director, Dr. Zelphine

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1 Smith-Dixon. The state director for special
2 education.

3 Q Okay. Did you have any interactions with
4 Ms. Rahming when you were serving as the deputy
5 superintendent?

6 A I'm sure that we spoke. She was, you
7 know, fairly new in the department. She would have
8 questions about special education services, but I
9 don't recall any specific planning meetings with
10 her.

11 Q When you were serving as the deputy
12 superintendent of Federal Programs and Special
13 Education, would GNETS have fallen under your
14 purview in some form?

15 A No, it really did not. I think Nakeba
16 Rahming reported directly to Matt Jones.

17 Q And would, would anyone -- sorry.
18 Would anyone underneath you in that
19 position have been responsible for providing
20 assistance or support to the GNETS program?

21 A Sure. I mean I think that a lot of things
22 were going on. There was facilities work being
23 done, so that would come out of a different
24 division. There was work with integrating
25 technology services. That would have been out of a

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1 different division.

2 Other special education services would
3 have been involved. There were complaints or due
4 process hearings that would have been involved in
5 special education.

6 So it's not -- GNETS was not working in a
7 vacuum, because there were a lot of other things
8 that were happening around the department that
9 affected programming for GNETS, as well as all
10 students.

11 Q Okay.

12 A Testing, assessment. I mean every
13 division touches that work.

14 Q Okay. So you are not as directly involved
15 with GNETS, but there were still people underneath
16 you who were involved with GNETS?

17 A Sure.

18 Q And do you remember roughly how long you
19 served in that position as the deputy superintendent
20 before you retired?

21 A Not a long time. A year maybe.

22 Q I'm sorry. Can you repeat that?

23 A A year maybe.

24 Q Okay. And you retired --

25 A In November 2017. I do remember that

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1 date.

2 Q So you retired in 2017 and you served in
3 that role for about a year?

4 A Yes.

5 Q That may help us narrow down that time
6 frame even more then.

7 A And I will tell you when I transitioned to
8 that role, I had a big learning curve, because I did
9 not know a lot about Title I, Title II, Title III.
10 So I was very involved in that work. Special
11 education, I certainly continued to have a lot of
12 contact, but just making sure that the programs were
13 aligned was the main focus of my work, because we
14 didn't want Title I paying for something that
15 special ed should be paying for.

16 It was more administrative work about
17 budget and alignment.

18 Q I'm still trying to nail down that time
19 frame for when you were in that role. So if you
20 were in that role for about a year, would that then
21 have you roughly starting as the deputy
22 superintendent around like -- some time in the fall
23 of 2016?

24 A Probably. I really do not recall.

25 Q All right. So having gone through your

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1 resume, we note you have decades of experience
2 working with students with disabilities, and that
3 includes students with EBD, correct?

4 A Yes.

5 Q You have experience in the classroom,
6 experience of GNETS and in education administration?

7 A Yes.

8 Q Based on your professional experience,
9 what would it look like for a student to
10 successfully proceed through school, any school?

11 MS. JOHNSON: Object to form.

12 You can answer.

13 A I'm not sure what your question is asking
14 me. Are you talking about a GNETS -- a student who
15 would require GNETS services? Are you talking about
16 any student?

17 Q Any student, just what would it look like
18 for a student to be successful generally in school?

19 Like what are indicators of success?

20 A Certainly making academic progress.

21 You know, I never worked in regular
22 education, so when I go to that question I think
23 more about things beyond academic achievement. I
24 think about socioemotional growth. I think about
25 ability to access education.

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1 A student to be successful? So I think, I
2 think socially a child needs to be successful in
3 their interactions and ability to access education
4 based on their executive functioning skills.

5 Certainly academic progress.

6 And being able to transition I think is an
7 important skill for any child to be successful in
8 school.

9 Q Are there any similar markers for a
10 student who is not successfully proceeding through
11 school? So any indicators that a student is just
12 struggling generally?

13 A That's a really hard question.

14 Q Sure.

15 A Indicators that a student is not being
16 successful in school. Well, they may not be
17 achieving academically as expected, but that can be
18 due to a whole set of factors that are external to
19 school or internal to school. You know, things like
20 -- a lot of things external to school. Like
21 poverty, not good attendance, disruption in home and
22 community are all things I think that affect the
23 ability to progress in school.

24 Q Earlier one of the indicators of success
25 you mentioned was being able to transition. What

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1 did you mean by that?

2 A I think all children have to learn to
3 transition. You know, even young children in
4 elementary school, they move from one teacher to
5 another teacher. They move from one group of
6 friends to another group of friends.

7 Sometimes children have to change classes,
8 which are transitions. Sometimes children change
9 schools, which are transitions.

10 With the mobility in our country, children
11 have to make transitions all the time.

12 Q For students who are being served in the
13 GNETS population specifically, what do you think
14 that population of students would need to be
15 successful in general education settings?

16 MS. JOHNSON: Objection.

17 You can answer.

18 You can answer.

19 THE WITNESS: You want me to answer? I don't
20 know what happens when you say that.

21 MS. JOHNSON: Any time I say objection, you can
22 answer unless I instruct you not to.

23 THE WITNESS: Okay.

24 A Ask me the question again. I got
25 distracted.

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1 Q Sure. So for students in a GNETS position
2 specifically, what do you believe that population of
3 students would need to be successful in general
4 education settings?

5 A Well, I think the starting point for any
6 student in special education, including GNETS, is
7 the provisions that are laid out in their IEP for
8 goals that they need to meet to be successful in
9 school.

10 Now, some of those goals would have to do
11 with socialization, which they may need additional
12 supports. They may need additional supports to
13 complete work.

14 So those things should be, for a GNETS
15 student, very specifically outlined in their IEP,
16 which should include participation by the parent, by
17 the general education committee, should be reviewed
18 annually.

19 The markers of progress on goals should
20 give that committee information about what steps are
21 -- should be required for that student to move back
22 to a less restrictive environment. Which when you
23 say general education, I'm assuming that's what you
24 mean.

25 Q Yes.

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1 A Okay. And sometimes the IEP will outline
2 a lot of services, mental health services, OT
3 services, PT services, speech and language.

4 So it's really a collaborative look at the
5 skills and progress of the child that leads you to
6 that point.

7 Q When you were working with the State DOE,
8 were there any improvements that you felt could be
9 made to the IEP process as it operated in Georgia
10 schools specifically?

11 A Well, I think the law is very clear about
12 the requirements of the IEP team and the provision
13 of FAPE to a student.

14 Improvements certainly have to do with
15 making sure IEP teams under their role and have the
16 knowledge and experience to develop and implement an
17 IEP.

18 We worked hard with what's called parent
19 mentoring partnership to make sure parents had good
20 access to the supports they need to be able to work
21 with their children who were in special education,
22 understanding the IEP process, doing training with
23 parents, and providing them with none -- they are
24 district level employees but a parent they can call.

25 We had participation in almost every

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1 county in the state in terms of the parent mentor
2 partnership, which I think was very important to
3 that process.

4 I may have gotten off track. I'm sorry.

5 Q This is fine. Thank you.

6 Another set of questions, and then maybe
7 we can take a break, unless you need one now.

8 A I'm okay.

9 Q I want to ask you a bit about your
10 experience when you were working with the GNETS
11 program, and these may be in tandem, but when did
12 you first become familiar with the GNETS program?

13 A It was my first job. I taught for a year
14 in Florida and then I moved to DeKalb County, and I
15 was hired to be the learning disability specialist
16 at the center base program for students with
17 emotional disturbance in DeKalb. It was not part of
18 the GNETS program at that time.

19 DeKalb County was the last school system
20 in the state to join the network.

21 Q So when you were working as a classroom
22 teacher, special education, was that in what was not
23 at the time a GNETS program but later became a GNETS
24 program?

25 A Yeah. When I first started it was a

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1 program that was pretty unique to DeKalb County. It
2 was in existence before GNETS.

3 So I was not a classroom teacher in my
4 first job there. I was a learning disabilities
5 therapist. So I worked with students in the
6 classrooms and worked with teachers to address
7 learning disabilities, and then that program joined
8 the GNETS network I believe in around 1978, '77,
9 something like that.

10 It was a very small program. I think
11 there were 19 students there. And these were mostly
12 children who were coming out of community-based
13 mental health -- I mean psychiatric facilities,
14 residential facilities.

15 Q And as we discussed earlier -- so you were
16 in a learning disability specialist role, and then
17 you were a classroom teacher, and then a
18 coordinator, and then a director.

19 When you were a director at the GNETS
20 program, what was your understanding of the intended
21 purpose of GNETS?

22 MS. JOHNSON: Objection.

23 You can answer.

24 THE WITNESS: I can't get the rules down.

25 Q I'll repeat that. So, again, just during

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1 that time frame, when you were the director --

2 A I think to provide the program with
3 children who needed access to more intensive
4 services based on their frequency, duration and
5 intensity of their behavior.

6 And sometimes it was not acting out
7 behavior. You know, sometimes it could be a student
8 who was very, very withdrawn or -- this was prior to
9 autism. So autism was not really identified as a
10 state disability until the '90s. So students who
11 had behavior that we would now probably look at
12 maybe different programs for were served.

13 So I think the teacher's role -- ask me
14 the question again. I'm getting off track.

15 Q Actually, I think you did answer the
16 question in terms of the purpose.

17 A Okay.

18 Q And you were actually starting to answer
19 my next question, which was, who was the target
20 population that you were serving at that time when
21 you were director?

22 MS. JOHNSON: Objection.

23 You can answer.

24 A When I was the director?

25 Q Yes.

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1 A That would be like later, like after I had
2 been in GNETS about 15, 20 years.

3 Q I'm realizing now that spans a time frame?

4 A It's a big span of time.

5 Q So maybe if you can just identify, during
6 the span when you were working with GNETS, what was
7 the target population that was being served in the
8 program that you worked in? But if it changed
9 during that time frame, what that change was.

10 MS. JOHNSON: Objection.

11 You can answer.

12 A The target population were children who
13 needed something along that continuum of special
14 education. So when you talk about a target
15 population, it's hard for me to say it was this
16 group of students because the population became
17 determined by looking at that continuum of
18 environments that would be available. So the
19 students that ultimately were -- received services
20 in GNETS, there was also a continuum within that.

21 So I think the responsibility of the IEP
22 team was to always back into that continuum. So to
23 me it's a very individual question. It's hard for
24 me to say it is a group of students because Johnny
25 up in -- over in Chatham County --

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1 Q And let me rephrase that one more time.

2 A Okay.

3 Q Was there, was there a particular -- for
4 example, was the program, when you were serving in
5 the GNETS program --

6 A Right, okay.

7 Q -- were you primarily serving students
8 with EBD or certain disability diagnoses?

9 A Yes, but I would say it was SEBD.

10 Q And what does SEBD stand for?

11 A Severe emotional disturbance, and that's a
12 term that fell bye-the-bye over the years. That
13 it's not -- I don't believe it's, it's any longer an
14 area of eligibility in the State of Georgia, but I
15 don't know that.

16 But it would be children who were in the
17 severe range, who needed very intensive service,
18 very small classroom, high teacher/student ratio.

19 Q And approximately how many students were
20 in your program when you were served -- when you
21 were working at GNETS? I know you mentioned when
22 you first started it was about 19. Did that size
23 change over time?

24 A It did as the program grew.

25 You know, the populations in the state

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1 grew, in the metro area grew significantly.

2 So are you asking -- are you asking me how
3 many students were in the GNETS program total in
4 DeKalb Rockdale?

5 Q Yes, in the program that you worked in.

6 A I don't remember the exact number. It was
7 either in the high 200s or the 300s.

8 Q Okay.

9 A But that was all of Decatur city, Rockdale
10 and DeKalb County.

11 Q It sounds like the program grew over time;
12 is that correct?

13 A It did. But, again, the population of
14 those counties significantly grew. So
15 proportionately it would make sense there would be
16 more students than there were in 1975.

17 Q And when you were referring to SEBD or
18 severe EBD, do you know if that term was superseded
19 or replaced by another disability diagnosis?

20 A Well, I think, I think EBD, you know, as
21 you said.

22 Again, I haven't looked at -- you know,
23 the State approves the areas of disability based on
24 the federal definitions. So that gets changed.

25 As I said, autism was added in the '90s.

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1 So I don't know if SEBD is still a part of the
2 Georgia rule that would identify areas of
3 disability.

4 Q When you were working in the GNETS
5 program, how long were students typically in those
6 placements? Like was there an average length of
7 stay?

8 A Again, I think that's a very individual
9 question. I know IEPs had to be reviewed annually,
10 but when I was in DeKalb we had what we called
11 out-post classes. As students were able to manage a
12 lesser restrictive environment, certainly they would
13 be transitioned to a class in a more typical school,
14 if they were a center based child, or may have
15 increased segments of general ed added to their IEP.

16 So it's hard for me to say, length of
17 stay. Again, I think that's a very individual
18 question.

19 Q Do you know if there would have been
20 students when you were working with the program who
21 were there for multiple years?

22 A Probably.

23 Q What type of therapeutic services were
24 offered when you worked in the GNETS program?

25 A We were fortunate in that we had

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1 partnership with Emory University. So we had
2 clinical psychologists who were interns and ended up
3 being on staff in the GNETS program.

4 So we did family therapy. We did
5 individual child therapy, group sessions.

6 So there were therapeutic services, as
7 well as, as I said, sometimes kids required speech,
8 OT/PT. And when I first worked in GNETS, we did
9 in-home training.

10 Q How effective did you feel the GNETS
11 program was for the students you were serving at
12 that time?

13 MS. JOHNSON: Objection.

14 You can answer.

15 A I felt we served children well. Were they
16 effective services? For many, yes. For some
17 children they did continue to have struggles, stayed
18 in the program.

19 I think an interesting aside is that for
20 some students it was very hard to leave the GNETS
21 program because they were used to being in a class
22 of six or seven kids with two teachers they were
23 very connected to.

24 So the transitions were hard for some kids
25 to move to a less restrictive environment because of

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1 those factors.

2 Q Were there any ways that you wanted to
3 improve the program at the time but weren't able to?

4 And this maybe is more in your role as the
5 director.

6 A Program improvement is always on
7 everybody's radar because everything can be
8 improved.

9 I do think as -- things have changed a lot
10 in the world of special education during my career.
11 So when you think about improvements in terms of
12 instruction, access to instruction through
13 technology, for teacher training so they know more
14 about teacher reading.

15 There's always things to improve, and I do
16 believe that in most instances there is that goal to
17 improve the services as much as possible to allow
18 students to access them.

19 Positive behavior supports, you know, came
20 into being and became an initiative here in the
21 State. I think when I was the director of the GNETS
22 program, we brought people from Boys Town here to do
23 training and consultative services with our staff to
24 set up a system that might help with general
25 improvement for the program.

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1 You know, as I said, we did training with
2 the Justice Center, for mediation skills to work
3 with parents.

4 So there's always improvement, and I --
5 those are a few of the things that I remember that
6 we did during my time.

7 Q Were those trainings that you initiated as
8 a director?

9 A Yes.

10 Q My last set of questions before we go to
11 the break, at the time how was the GNETS program
12 funded when you were the director?

13 A When I was the director, it was funded
14 based on the funding formula that I think came into
15 being in the '90s, which I guess you're familiar
16 with. There's a pie. I always call the state grant
17 is the pie. And then data is applied to that in
18 terms of number of children served, information from
19 the CPI report. There's standard positions within
20 GNETS that are always funded.

21 So does that answer your question?

22 Q That does.

23 A Okay.

24 Q Did you receive funds from any other
25 sources when you were the director?

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1 A Oh, yes. DeKalb County and Rockdale and
2 Decatur City all had a lot of money invested in the
3 program. You know, for facilities, transportation.
4 The grant does not cover a lot of the costs.

5 You know, providing classroom space in
6 schools for GNETS teachers.

7 So all of those are probably not direct
8 money that came as part of a grant or money to the
9 program, but all those other costs for running the
10 program were contributed or provided by the local
11 systems.

12 Q So it sounds like your funding came from a
13 combination of both state funding and also -- local
14 funding?

15 A Yes, local --

16 Q -- local funding?

17 A -- local initiative.

18 MS. HAMILTON: Let's take a break.

19 So we'll go off the record.

20 THE VIDEOGRAPHER: We're off the record at
21 10:48 a.m.

22 (A recess was taken.)

23 THE VIDEOGRAPHER: We're back on the record at
24 11:04 a.m.

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1 BY MS. HAMILTON:

2 Q Ms. Gay, before we get started in the next
3 set of questions, I just do want to remind you to be
4 sure to wait until I finish asking the questions --

5 A I'm sorry.

6 Q -- before you start answering?

7 A Okay. Okay, I apologize.

8 Q We just want to make sure the court
9 reporter has a clear record.

10 A Okay.

11 Q I'm going to transition now to ask you
12 some questions about the audit that was conducted by
13 the State's Audit Department in 2010.

14 Are you familiar with that report?

15 A I really don't recall any specifics about
16 the report. I mean I'm familiar -- I know that it
17 happened.

18 Q Okay. That's all I'm saying. You are
19 aware there was an audit conducted in 2010?

20 A Yes.

21 Q And that a report was issued?

22 A I don't remember -- I don't remember a
23 report.

24 Q Do you know why the audit was conducted?

25 A No, I do not.

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1 Q So I am going to show you a copy of this
2 report.

3 A Okay.

4 And this document is going to be a bit
5 confusing, so I'm going to keep control for a moment
6 to set up what this is. This --

7 MS. HAMILTON: First of all, I'd like the court
8 reporter to mark this document as Plaintiff's
9 Exhibit 284.

10 (WHEREUPON, Plaintiff's Exhibit-284 was
11 marked for identification.)

12 BY MS. HAMILTON:

13 Q This is an email that contains several
14 different attachments, one of which is the 2010
15 audit. The Bates number on the first page is
16 GA01258636.

17 Ms. Gay, I'm going to give you a moment --
18 you don't actually need to scroll through this cover
19 page.

20 A Okay.

21 Q Let me make it a little bigger for you.

22 A Thank you.

23 Q But this was the cover email, and if you
24 could just quickly skim it.

25 A Okay.

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1 Q And let me know when you're ready.

2 (Witness reviews exhibit.)

3 A Okay.

4 Q And is this an email that you sent to John
5 Eisenberg on September 1st, 2015?

6 A I believe it is.

7 Q And who is John Eisenberg?

8 A John Eisenberg and I -- he was the
9 director for special education in the State of
10 Virginia. We were on the NASDE Board together, and
11 he was interested in doing something similar with
12 his programs in Virginia, so he asked me to send him
13 these documents.

14 Q And in this email you're sending him
15 various attachments, one of them being the audit.
16 Is that correct?

17 A Yes, it is.

18 Q So we're going to scroll down to the third
19 attachment, which is the audit.

20 There are several lengthy documents in
21 here.

22 A One thing that happened through the NASDE
23 organization is state special ed directors shared
24 information frequently to support each other.

25 Q All right.

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1 MS. HAMILTON: So I note the third attachment,
2 just for the record, the Bates number is GA01258766.

3 BY MS. HAMILTON:

4 Q Ms. Gay, this is the GNETS -- the audit
5 that was conducted. Why don't I just walk through
6 the document.

7 A Okay.

8 Q Do you need a second to get familiar with
9 it or do you recognize it?

10 A I do recognize it. I don't recall all the
11 information it in, but certainly now I do recognize
12 it.

13 Q Great. So without referencing anything
14 specific in the audit at this point, what was your
15 initial reaction to the report when you first saw
16 it?

17 A You know, I really don't recall. I'd have
18 to read through it, and that might spur some
19 memories, but --

20 Q Well, let's do that.

21 So I want to turn -- let's see.

22 I'm basically scrolling down to this first
23 section with Findings and Recommendations, which
24 starts around Page 12.

25 So I've scrolled down to the section that

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1 says Findings and Recommendations, and the first one
2 listed here -- I'm actually reading here at the
3 beginning of this first paragraph.

4 It says: "Currently, GaDOE cannot
5 demonstrate that the services provided to a student
6 in a GNETS Program have resulted in improvements to
7 behavior or academic performance."

8 Were you aware of this finding in 2010,
9 when you were serving as the state special education
10 director?

11 A I guess I was. I mean I'm sure that I saw
12 the report. I don't remember clearly what next
13 steps, if any, came after this. I don't remember
14 who did the audit.

15 Q I ask this as a general procedure. When
16 audits are conducted -- and it says it was conducted
17 by the State -- I believe this was a state audit.

18 The copy we received is not the most clear
19 but it says the Georgia Department of Audits --

20 A Audits and Accounts, okay.

21 Q And then it has Performance Audit
22 Operations?

23 A Okay.

24 Q When these audits are normally conducted,
25 do you know who initiates them?

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1 A I do not.

2 Q Okay. But this one was conducted for the
3 GNETS program, correct?

4 A That's what the document says.

5 Q So I'm going to scroll back down to that
6 finding.

7 Based on the information that we just
8 read, what is your understanding of the reasons for
9 this particular finding?

10 MS. JOHNSON: Objection.

11 You can answer.

12 A Are you talking about "not held
13 accountable for student performance"?

14 Q Yes.

15 A That finding?

16 Q That cannot demonstrate that the services
17 are provided.

18 A Ask me the question again now.

19 Q Sure. What is your understanding of the
20 reasons for this finding?

21 MS. JOHNSON: Same objection, but you can
22 answer.

23 A Upon reading it, I am understanding that
24 the student performance or the collection of some
25 kind of assessment data was not available. So I

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1 believe that looking at progress on IEP goals was
2 the form of accountability that GNETS was I think
3 providing to say that students were making progress.

4 I do remember having the conversation that
5 progress on the IEP goals is a measure. I think the
6 problem was there was no way to collect that
7 information, to document or provide a report, and so
8 I think some of the response that progress on the
9 IEP goals was a measure of progress was not an
10 acceptable response to the auditors.

11 Q Were you involved in any efforts to
12 address and respond to the auditor's concern?

13 A I don't recall. I don't. I mean I -- I
14 am assuming that I was, but I don't recall the
15 specifics of that work.

16 Q Okay.

17 A I do recall talking about progress on the
18 IEP goals being the measure of accountability, and
19 we had no way to collect that information.

20 Q Okay. All right.

21 I want to move on to the next finding.

22 Can you see where the mouse is?

23 A Yes.

24 Q It says: "Graduation rate, dropout rate
25 and post-secondary outcomes for GNETS students are

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1 well below those same rates for the students with
2 disabilities, SWD population."

3 Were you aware of this finding when you
4 were the State education director?

5 A Yes. And I remember having a conversation
6 about this particular item, because if students move
7 back to general education, their graduation was
8 counted at the LEA, not in the GNETS program.

9 Again, it was a data collection issue, in
10 my opinion.

11 The issue was GNETS was not a school,
12 could not graduate students. So there was no
13 collection of graduation rate. That is my
14 recollection about this. So students, if they
15 graduated, were counted in the LEA count through the
16 State data collection system rather than a GNETS
17 reporting in any way that was verified graduation
18 rates for students.

19 Most students in the GNETS programs had
20 some part of their day, most high school students,
21 in general education. So if and when they
22 graduated, that LEA counted at that school rather
23 than at GNETS graduation.

24 So, again, I do recall a conversation
25 about -- this is really another data collection

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1 issue.

2 Q Just to make sure I'm hearing you
3 correctly, it sounds like one of the issues that you
4 remember being an issue at the time was data, such
5 as graduation rate, was being collected at the LEA
6 level, not at the GNETS program level; is that
7 correct?

8 A If they were -- if they were graduating
9 and if they were enrolled as required in the LEA at
10 a school, there was really no way to report it to
11 the State. If there was a GNETS graduation, except
12 in the submitted annual reports that the directors
13 would make, and that was not verified data in any
14 way.

15 Q What is your reaction to the finding here
16 where the auditors say that based on the data they
17 did have, those rates were below the rates for other
18 students with disabilities?

19 A It probably was based on the data they
20 had. Based on the State data collection system.

21 I probably couldn't argue with the
22 auditors, but again I think it's a data collection
23 issue.

24 Q Did you ever review any of that data
25 independently, working as a state education

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1 department director, to better understand what the
2 graduation rates were for GNETS students?

3 A I think I -- I worked with our data
4 collection manager on a lot of different data
5 collection issues with GNETS, and I think this may
6 have been -- I don't really recall exactly, but this
7 may have been the impetus to start working more with
8 technology to figure out how to get more accurate
9 data collection, which, you know, was a process that
10 happened over time.

11 Really, the only data that we -- verified
12 data that we had on GNETS was what was collected in
13 the FTE counts and the CPI report. And if that
14 wasn't done correctly at the local level, then there
15 were issues with that.

16 Q Anecdotally, did you have any reason
17 believe that the graduation rates or dropout rates
18 would have looked different for students in the
19 GNETS program compared to other students with
20 disabilities?

21 A When you think about students with
22 disabilities statewide, there was a route put in
23 place for students with moderate and severe
24 disabilities to earn a diploma. It was like a
25 modified kind of graduation rate.

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1 I'm getting off track a little bit. I'm
2 thinking about -- you know, the world of special
3 education is a very big world if you count all the
4 kids with special education. Kids in GNETS were I
5 think were one percent of special education
6 students.

7 So thinking about that statistically, it's
8 difficult for me to answer your question, do I think
9 it was very different than other students with
10 disabilities. You know, we think about the
11 thousands of students with speech and language. Of
12 course, their graduation rate is going to be very
13 high. Or kids with learning disabilities.

14 So in the world of special education I
15 think that saying it was significantly different
16 would really be very difficult for me to say.

17 Q Is it a data point you wish you would have
18 had to have been able to track?

19 A I think it would have been interesting,
20 but I think what would have been more interesting is
21 to see how many kids who were served during the
22 course of their educational career ended up
23 graduating. If kids were served in a GNETS program
24 at any time, how many of those graduated. That
25 would be the data point that I think would be

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1 interesting. And that's not data that is collected
2 -- was collected in my tenure. It may be collected
3 now.

4 Because the hope of GNETS is that you get
5 kids back to general ed and they eventually
6 graduate. And how many of those kids there are? We
7 had no way of knowing.

8 Q You had made a statement a moment ago
9 where you had said that you thought most high school
10 students did spend at least some part of their day
11 in the general education setting. What is that
12 based on?

13 A That's based on my personal experience as
14 a GNETS director. By the time we got kids to high
15 school, most of them were spending some part of
16 their day in general ed.

17 Q And that was when you were serving as --

18 A Yes.

19 Q -- the director of the Department of
20 DeKalb?

21 A Yes. We had what we called out-post
22 classes. There was one at Southwest DeKalb, there
23 was one at Chamblee High School, and we moved high
24 school kids.

25 And a lot of kids -- you know, GNETS

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1 originally only served through age 14. High school
2 wasn't added until 1979, 1980.

3 So there was a period of time when the
4 grant was only up to 14, and then it changed some
5 time in the '80s.

6 So going way back it would be hard to know
7 that data. But I would say most high school
8 students I would -- today I would even think it
9 would be good to know how many of the high school
10 students are in general ed part of the day, or even
11 in a special education class with a more general ed
12 setting, if they were a center-based kid.

13 Q But you don't know that number?

14 A I don't know that number.

15 Q So looking at this next finding, it says:
16 "GaDOE should develop a methodology for tracking the
17 academic progress of GNETS students, so that the
18 academic impact of the Program can be measured."

19 Were you aware of this finding when you
20 received --

21 A I am reading it now.

22 Q Okay.

23 A I remember doing training and
24 implementation on this EBPS scale and trying to make
25 sure that we were -- that was being done in the

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1 GNETS programs, to measure social/emotional
2 progress.

3 Q What about academic progress?

4 And if you --

5 A Can you scroll down a little bit more?

6 Q Yeah.

7 A Thank you.

8 I think at the time of the audit probably
9 there was very little collection of the academic
10 progress. I do remember the comment that students
11 who enter GNETS may be significantly below grade
12 level. So the starting point to measure progress
13 may be skewed.

14 Q Were you aware of any steps at the time
15 that the State was planning to take to address this
16 particular finding?

17 A I know that all the data collection
18 findings were being addressed. The timeline of that
19 I am not clear on. I don't know if it started with
20 this audit or it started later. I can't remember.

21 Q Let's go to the next one. This is another
22 data question, or a State finding. The finding
23 reads: "GaDOE does not collect sufficient data to
24 determine whether the GNETS program is
25 cost-effective."

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1 A Right.

2 Q I'm going to read this first line, too.

3 It says: "According to GaDOE the correct goal of
4 the GNETS Program is to prevent children from
5 requiring residential or other more restrictive
6 placements by offering cost-effective comprehensive
7 services in local areas."

8 And then the next sentence says:

9 "Assessment and cost-effectiveness requires an
10 ability to access a cost per successful outcome in
11 addition to cost of inputs to the Programs."

12 Were you aware of this finding?

13 A Yes. And I, I remember having
14 conversation about how you demonstrate that you're
15 preventing kids from moving to a more restrictive
16 environment. I've been involved with placements
17 that LEAs had to fund residentially poor students
18 and understand the cost of that.

19 I believe GNETS prevented children from
20 going to residential settings. How to measure the
21 cost-effectiveness of that I think is something
22 everyone struggled with.

23 Q During your time at the State DOE, did you
24 all ever determine a means for determining whether
25 GNETS is cost-effective, as summarized here?

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1 A Yeah, yeah. I don't -- I think certainly
2 looking at the State grant, was it adequate enough,
3 was it adequate to fund the programs, knowing that
4 LEAs were putting in significant amounts of
5 supports.

6 But I don't know any initiative to measure
7 cost-effectiveness.

8 Q You also said a moment ago that you do
9 believe that, in agreement with this here, GNETS
10 prevents children from --

11 THE COURT REPORTER: I'm sorry. Say it again.

12 Q You had mentioned a moment ago that you
13 agreed with the goal stated here, which is that the
14 GNETS program is preventing children from requiring
15 residential or other more restrictive placements.

16 Can you speak more to the basis for why
17 you believe that?

18 A Well, I believe that's anecdotal. I have
19 seen kids with very severe difficulties who could
20 barely be maintained at home come to the GNETS
21 program and with some good therapy and in-home work
22 were able to sustain their home placement, which was
23 typically I think the problem. It wasn't what was
24 happening at the GNETS program at school; it was
25 more of the family's ability to manage the behavior

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1 at home.

2 So I think with some good work around
3 that, I had -- I anecdotally have instances where I
4 think students were maintained in their home rather
5 than going to a residential facility or to youth
6 detention. And I put youth detention in that
7 category with the residential placements, which is
8 also very costly.

9 Q Okay. And then you said ultimately there
10 was not actually a methodology that the State came
11 up with to measure this particular --

12 A Not that I'm aware of. OPB may have done
13 something but I'm not aware of it. I don't think.

14 Q Let's move on to the next finding. So
15 we're at the top of the page. It says: "GaDOE
16 needs to take steps to apply specific and measurable
17 Program goals for the GNETS Program and hold
18 Programs accountable for meeting those goals."

19 Were you aware of these findings?

20 A Yes.

21 Q And what is your understanding of the
22 reasons for these findings?

23 MS. JOHNSON: Objection.

24 You can answer.

25 A I'd like a minute to look over it.

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1 Q Sure. And let me know if you want me to
2 scroll down.

3 A Okay.

4 (Witness reviews exhibit.)

5 A You're good right now.

6 Q Okay.

7 A Would you scroll down a little further,
8 please. Thank you.

9 (Witness reviews exhibit.)

10 A Okay. Can you ask me the question again,
11 please?

12 Q Sure.

13 A Thank you.

14 Q What is your understanding of the reasons
15 for this -- for these findings?

16 MS. JOHNSON: Objection.

17 You can answer.

18 A I'll go back to my answer as before. I
19 think it's a data collection issue. I think that --
20 you know, some of my reaction to the finding is that
21 there is some standard that could be reached, you
22 know, a measurable goal. From GNETS program to
23 GNETS program the students served are very
24 different. So a goal for one GNETS program may be
25 very different than the goal for another GNETS

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1 program.

2 So, again, it's standardization. When
3 you're looking at this specific finding that I think
4 would be difficult, I do have a recollection that we
5 tried to put in place more, more methods for data
6 collection. Again, I'm not, I'm not remembering the
7 timeline for all of that. I know that there was
8 some self-assessments that were done at some point.
9 There was some self-reporting that was done.

10 I do believe eventually there was some
11 more, more comprehensive data collection systems put
12 in place, as GNETS were brought into the student
13 information system, and a lot of that started
14 happening around the time of my retirement.

15 So I am really not really clear on that.
16 But I do think this prompted efforts to start
17 looking at some of these issues outlined in the
18 audit through some different data collection
19 methods.

20 Q Were you familiar with the strategic plan
21 that was created?

22 A Yes.

23 Q Would the strategic plan have been
24 responsive to this particular finding?

25 A It could have been. You know, I know that

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1 -- I just don't remember the timeline of a lot of
2 events around that. I'm sorry.

3 Q But from what you remember about the
4 strategic plan, would it have set out performance
5 measures for the different GNETS programs?

6 A Probably measured against themselves. Not
7 as a state standard. But I don't remember. I'd
8 have to go back and look at it.

9 Q We're going to wrap up soon with this
10 document. I just want to look at a few others.

11 So this next finding says: "GaDOE needs
12 to place more emphasis on program management through
13 the development of financial and operational
14 requirements for Programs to follow."

15 And I just want to highlight, there are
16 two bullet points here.

17 A Okay.

18 Q This first one says: "While GaDOE
19 specifies positions (such as teachers,
20 paraprofessionals, directors, psychologists, social
21 workers, etc.) for the GNETS Programs through its
22 funding formula, Programs are not currently held
23 accountable for staffing for these requirements."

24 So, actually, I'll stop there and just get
25 your reaction. Were you aware of these findings?

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1 A I am remembering them now as I read them.
2 Again, I think that one of the issues was the grant
3 was funded based on a formula, as is noted further
4 in this finding, but once the funding went to the,
5 to the fiscal agent, there was less control over
6 that.

7 In most instances I think the LEAs were
8 putting in additional supports for personnel that
9 weren't captured as the budgets and grant
10 applications were reviewed. I know from my own
11 experience as a GNETS director DeKalb County put --
12 funded numerous teaching positions and
13 paraprofessional positions that wouldn't have been
14 included in the grant application or the grant
15 budget for GNETS.

16 So I don't know when the auditors were
17 looking at this, if they were looking at the actual
18 grant applications and budget, which did not account
19 for LEA funded positioning.

20 I know that we began looking more closely
21 at the CPI reports to ensure that as the formula was
22 implemented, those positions were funded within the
23 grant that went to the fiscal agent.

24 Q If you look at this next bullet point that
25 says: "GaDOE does not currently require any

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1 specific therapeutic training for GNETS teachers nor
2 do they require that specific evidence-based
3 therapeutic interventions be used," were you aware
4 of that finding?

5 A I knew there was not a requirement for it.
6 I think a great deal of it happened. I think the
7 training happened, as when you keep reading in the
8 bullets, it talks about developmental therapy and
9 some programs were using it and some programs
10 weren't. Some programs were using other
11 evidence-based models, but there was not a
12 consistent monitoring and reporting, which when you
13 read further down in this bullet, that is true,
14 there wasn't a consistent way to gather that
15 information at that time.

16 Q I'm going to scroll down to this last
17 finding -- I scrolled too quickly. All right. Here
18 we go.

19 It says: "Action is currently being taken
20 to implement a System of Care Plan that could
21 facilitate collaboration across agencies serving
22 again with severe emotional disturbances."

23 Were you aware of this finding?

24 A Yes.

25 Q And what is your understanding of the term

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1 "System of Care"?

2 A That there would be services provided by
3 DBHDD and through community mental health services,
4 that should be accessible to these students.

5 Q And here it sounds like something was
6 being put in place. Do you remember during this
7 time frame what may have been happening that the
8 auditors were referring to?

9 A I know there were conversations with DBHDD
10 about providing more support for students. I am not
11 aware of the outcome of those conversations. I know
12 that some GNETS -- I'll add to this. I know some
13 GNETS programs worked well with their
14 community-based mental health services and some did
15 not.

16 Q And do you believe that it would be
17 beneficial for there to have been at this time a
18 System of Care plan that facilitated collaboration
19 across agencies to serve this population of
20 children?

21 A Yes.

22 Q Are you aware that the State issued a
23 written response to the state audit?

24 A They probably did, and I probably read it,
25 but I do not recall right now.

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1 Q Okay. And do you remember if you or
2 anyone in your office was involved in preparing the
3 State's response?

4 A I would imagine that we were, but, again,
5 I do not recall at this time.

6 Q Were any subsequent reports issued by the
7 Georgia audit office about the GNETS program?

8 A I don't remember.

9 Q How, if at all, did this audit influence
10 your role and responsibilities when you were working
11 as a state education director?

12 A Certainly we needed to pay attention to
13 the audit and move forward with taking activity that
14 would address some of these concerns.

15 Q I want to ask you about one more report
16 that was issued --

17 A Okay.

18 Q -- during that -- related to that general
19 time frame. I just need one moment to locate it.

20 A Sure.

21 MS. HAMILTON: Can we go off the record for a
22 moment.

23 THE VIDEOGRAPHER: Off the record at 11:22 a.m.

24 (Discussion ensued off the record.)

25 THE VIDEOGRAPHER: Back on the record at 11:45

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1 a.m.

2 BY MS. HAMILTON:

3 Q Thank you for your patience.

4 A You're welcome.

5 Q The next document we want to discuss is
6 actually another attachment to Exhibit 284.

7 A Okay.

8 Q I'm going to share this.

9 The document I'm sharing is a second
10 attachment to Exhibit 284.

11 A Okay.

12 MS. HAMILTON: The Bates number, just for the
13 record, is GA01258658.

14 BY MS. HAMILTON:

15 Q And this document is titled, "Georgia
16 Network for Educational and Therapeutic Support,
17 Program Evaluation." It says, "Executive Summary"
18 and it has a date of January 2015.

19 Do you recognize this document?

20 A Probably. I mean I, I see what it is and
21 I -- I'm -- you know, do I remember it? No. I'm
22 seeing it now.

23 Q What I'm going to do is just give you
24 maybe just a minute, if you want to quickly skim
25 through. We're going to walk through it, so you

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1 don't need to take the time to read the whole thing.
2 That will take a while. But let me give you control
3 for a moment.

4 A Okay. Thank you.

5 I recognize the document but I am not
6 remembering the sequence of when it happened or
7 really its origin, but I do recognize the document.

8 Q Okay. So let me give this back to the
9 beginning of it.

10 All right. So it says that this program
11 evaluation was issued in January 2015. Is that
12 correct?

13 A Uh-hum. (Affirmative.)

14 Q I just want to look at the Executive
15 Summary for a moment and the Project Overview and
16 Scope. This mentions that in October 2013 the
17 Governor's Office of Planning and Budget initiated a
18 program evaluation of the GNETS program housed
19 within the State's Department of Education.

20 You were still working as a state
21 education director during this time frame, correct?

22 A Yes.

23 Q Did the Governor's Office inform you that
24 they were conducting this program evaluation?

25 A I really -- I don't recall.

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1 Q Would you have been provided this program
2 evaluation when it was completed in your capacity as
3 the state education director?

4 MS. JOHNSON: Objection.

5 You can answer.

6 A I don't remember being provided but I
7 probably was. The document looks familiar to me as
8 I look at it.

9 Q What I want to do is focus on some of the
10 findings that are here.

11 A Okay.

12 Q Similar to what we did with the 2010
13 audit.

14 I'm going to scroll down a bit.

15 All right. So beginning on Page 14 of
16 this report, there are a number of findings that
17 were issued, and again this came out of the
18 Governor's Office of Planning and Budget.

19 The first finding says: "The Department
20 of Education needs to establish a dedicated
21 state-funded program manager position for GNETS to
22 oversee, monitor and provide technical assistance
23 for the program."

24 This would have been in 2015. Were you
25 aware of this finding?

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1 A Yes, because I think this was the finding
2 that would have created the position that Nakeba
3 eventually filled.

4 Q And so the State Department of Education
5 took steps to address this particular finding by
6 hiring Ms. Rahming?

7 A A manager was eventually hired, so based
8 on what I know about what happened afterwards. Do I
9 know it was directly related to this? I can't
10 remember, but we did hire -- we did establish a
11 manager position and hire someone.

12 Q Another finding that the Governor's Office
13 of Planning and Budget made in this program
14 evaluation is here at the top of the page.

15 A Uh-hum. (Affirmative.)

16 Q It says: "Consideration should be given
17 to conducting a needs assessment for every GNETS
18 program facility similar to the one done for the
19 regular school system to determine the need for
20 repairs, improvements, and renovations."

21 And then it goes on with more detail.

22 A Yes.

23 Q Are you aware of this finding?

24 A Yes.

25 Q And what steps, if any, did the State take

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1 to address this particular issue?

2 A Mike Rowland began and conducted
3 facilities needs assessment.

4 Q And were you aware of the outcome of the
5 needs assessment that was conducted?

6 A I know needs were discovered, and
7 subsequently I believe there were many attempts to
8 address them.

9 Q And we'll talk about that more later, but
10 it sounds like there was a needs assessment
11 conducted, correct?

12 A Yes.

13 Q The next finding says: The funding
14 formula for the program should be revised to account
15 for differences in programs (for example low wealth
16 districts) and to include resources for therapeutic
17 services provided by the program."

18 Would you have been aware of this finding?

19 A Yes.

20 Q And what steps, if any, were taken during
21 that time frame to address this particular issue?

22 A I recall that we had some meetings to look
23 at the funding formula. To my -- it's my
24 understanding the formula -- I do not recall the
25 formula being adjusted.

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1 Q And who would ultimately be responsible
2 for changing the funding formula?

3 A I don't know if it's in rule, maybe in
4 State Board rule, or it may be legislature -- it may
5 be part of the state grant legislative document. I
6 don't know the answer to that.

7 Q We'll go through every single one of
8 these.

9 A I think we did try to collect what local
10 school systems were contributing. I recall that as
11 part of the discussions to look at what the funding
12 really looked like for the programs, that we knew it
13 was well beyond the State grant.

14 Q And that's in response to this finding
15 here that says local school system should -- should
16 provide -- and that's in response to the finding
17 that says: "Local school systems should provide DOE
18 their funding portion of GNETS on an annual basis in
19 order to determine the actual cost of providing
20 these services"?

21 A There was some attempt --

22 Q She couldn't hear you.

23 A There was some attempt to gather that
24 information. I don't know that it eventually
25 resulted in a change to the funding formula.

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1 Q Another finding that was made in this
2 program evaluation by the Governor's Office of
3 Planning and Budget is that: "While programs are
4 very similar in how they operate and share a common
5 mission and vision, programs differ in their
6 philosophical ideas regarding treatment.
7 Additionally, available funding, local support often
8 dictate the level of professional staff available to
9 the program."

10 Would you have been aware of this finding?

11 A Yes.

12 Q And what at the time, if any -- what
13 steps, if any, at the time were being taken to
14 address these issues?

15 A Again, I think when we developed the
16 strategic plan one of the purposes was to try and
17 understand more about the different approaches and
18 the different programs, but also to standardize some
19 of the therapeutic treatment across programs.

20 Q Another finding in the program evaluation
21 is that: "Resources available to programs are
22 dependent on geographical locations."

23 Was that consistent with your, your
24 experience?

25 A Yes.

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1 Q And why do you think that is?

2 A I think the boundaries for the 24 programs
3 were set up a long time ago. I think the metro area
4 has changed, changed since the boundaries for the
5 programs were established, and I think rural
6 programs had significant issues because they had
7 long transportation. The rural programs would have
8 10, 15 school systems in one GNETS program. So the
9 geographic area became very big. In the metro area
10 you had more students.

11 So funding and the conversations about
12 funding formula was how do you account for that?
13 How do you give those rural districts enough money
14 to pay those transportation costs and get staff, and
15 in the metro area how do you kind of equalize there
16 serving more students.

17 And I'm recalling now that that was a big
18 conversation in trying to look at the funding
19 formula and what could be done differently.

20 Q Can I, in the interest of time -- this is
21 actually a very lengthy report. We won't go through
22 every single thing here, but do you recall when you
23 were working as a state education director having
24 any meetings with the Governor's Office to discuss
25 these findings in particular, or the issues that you

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1 shared just now?

2 A I believe there was -- I went to one
3 meeting with OPB, and I believe there were some
4 meetings with some State Board members around this
5 report and next steps.

6 Q Can you say more about what that meeting
7 looked like and what was the nature of the
8 discussion?

9 A I think just really clarification of the
10 information in the document and ideas about how to
11 approach improvement.

12 Q I'm going to stop sharing and I want to
13 switch gears now to talk about your role in
14 connection with hiring some of GNETS state
15 personnel.

16 You had indicated earlier that you were
17 involved with hiring state personnel who worked
18 directly with GNETS program. Who did you hire?

19 A Nakeba Rahming, GNET manager position.

20 Q And was there anyone else?

21 A I was involved with hiring the majority of
22 the program managers in the Special Education
23 Department when I was state director. Some of them
24 had duties that related to GNETS.

25 Q What were those positions?

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1 A PBIS director. We had a change in our
2 data manager. We had a change in our budget
3 personnel, budget oversight personnel.

4 So people who came in who touched GNETS in
5 different ways, I would have been involved with
6 hiring those individuals.

7 Q All right. Let's start with Ms. Rahming's
8 position.

9 A Okay.

10 Q Do you remember when she was hired?

11 A I don't remember the exact date.

12 Q Roughly?

13 A I remember interviewing her. I just don't
14 remember. It must have been 2015, 2016, somewhere
15 in that time frame.

16 Q What was her position?

17 A She was hired as program manager with
18 direct responsibility for GNETS. And eventually she
19 was promoted to be a director, who no longer
20 reported to me but who reported to Matt Jones.

21 Q What is the difference between the
22 responsibilities of a program manager and a
23 director?

24 A I think a program manager acts as a member
25 of the team to collaborate our programs across the

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1 special education services, with -- I met with the
2 program managers very regularly to make sure that we
3 were all singing the same song, because I think when
4 you have a division this big, it becomes very easy
5 to not be consistent across the divisions.

6 The director I think has more
7 decision-making responsibility, more oversight,
8 becomes -- in Nakeba's circumstance, she became very
9 directly involved in the work and the coordination
10 of all the improvement projects around GNETS.

11 Q What role did you play in Ms. Rahming's
12 hiring specifically?

13 A Matt Jones and I interviewed her, and we
14 interviewed some other individuals. I do not recall
15 right now who they were. She was an outstanding
16 candidate.

17 Q In addition to conducting interviews, did
18 you play any other roles in her hiring?

19 A I may have played a role in developing the
20 job description. I typically did. When there was
21 going to be hiring, I would do that with HR.
22 Because this was a little bit different, in terms of
23 what the duties and responsibilities were going to
24 be, a job description had not been written for that
25 specifically as a program manager position.

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1 Q Let's actually start there in discussing
2 the position itself. Why was Ms. Rahming's position
3 created?

4 A I believe we had -- knew we had a lot of
5 work to do with GNETS. I think the audit report you
6 showed me previously suggested a manager being
7 developed and there was a lot of work to be done.

8 So it certainly made sense that there be a
9 solitary position devoted to GNETS, as there had not
10 been in the past.

11 Q I am going to show you a document in a
12 moment.

13 MS. HAMILTON: I would like for the court
14 reporter to mark this document as Plaintiff's
15 Exhibit 285.

16 (WHEREUPON, Plaintiff's Exhibit-285 was
17 marked for identification.)

18 MS. HAMILTON: This is an August 7th, 2015
19 email from Deborah Gay to Denise Peterson, and the
20 first page of the document has a Bates number of
21 GA00165372.

22 BY MS. HAMILTON:

23 Q Ms. Gay, this is the extent of the email,
24 if you want to take a moment to review it. Let me
25 know when you're ready.

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1 A I think I remember what happened. I think
2 it originally was going to be funded as a staff
3 position, and the decision was made to upgrade to a
4 manager position. So I was really communicating
5 with HR what pay rate and how to work on the
6 position to get it posted.

7 Q Is Denise Peterson an employee in the HR
8 division?

9 A Yes. She was the head of HR at that
10 point, I think. She was -- yes, that's who Denise
11 is.

12 Q And in the email you explain that you need
13 to pull the GNETS position and upgrade to a manager
14 pay grade 19. Does that mean there was already a
15 job announcement that had been previously posted?

16 A I don't recall. I would assume from this
17 we posted something at a different pay grade.

18 Q You were alluding to this a moment ago,
19 but why would you want the position to be upgraded
20 to a manager position?

21 A Um --

22 MS. JOHNSON: Objection.

23 You can answer.

24 A Just the level of responsibility that was
25 needed due to the circumstances.

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1 Q How would the job responsibilities differ?

2 A I thought we -- from a staff position to a
3 manager position?

4 Q Uh-hum.

5 A Just in terms of access to other DOE
6 employees, decision-making, ability to act more
7 timelessly.

8 Q And I guess just to distinguish, this is
9 different from what you were explaining earlier when
10 you were distinguishing between Ms. Rahming's role
11 as a program manager versus a director. Now we're
12 just talking about staff and program manager.

13 A Okay, okay. I don't know if I answered
14 that correctly or not.

15 Q So I guess distinguishing between --

16 A The program manager typically --

17 Q Actually, let me finish so she has --

18 A I'm sorry

19 Q So as distinguishing between what sounds
20 like the original position, which would have been a
21 pay grade 19, and what you're suggesting upgrading
22 to as a manager, I just want to see if I understand
23 the differences between what responsibilities those
24 two people could hold, if there is a distinction.

25 A Between staff position and a manager

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1 position? Is that your question?

2 Q Yes.

3 A Okay.

4 Q If that is in fact a distinction between
5 the prior -- like upgrading to a manager.

6 A Right, right. Again, a manager position
7 is just more administrative duty, more
8 administrative responsibility, more decision-making
9 than the line -- than a line staff, who would report
10 to a manager.

11 So this changed it from someone who would
12 report to a manager to a manager position.

13 Q Had any recent changes occurred prompting
14 your request to upgrade the position?

15 A Probably just some -- I don't recall. I
16 would assume there was some discussion about the
17 responsibility this person in this position would
18 need to assume.

19 Q And you're aware that DOJ issued its
20 finding letter in August 2015, correct?

21 A I don't recall when the letter came out.
22 I mean I recall the letter but I don't remember the
23 date.

24 Q So DOJ's finding letter was issued in
25 August 2015, and this email was also written in

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1 August 2015.

2 Do you have any reason to believe that the
3 findings letter would have influenced a decision to
4 upgrade the position?

5 MS. JOHNSON: Objection.

6 You can answer.

7 A Not that I recall.

8 Q You also state in this email that "I have
9 been told some additional state funds are going to
10 be made available."

11 Who would have told you this?

12 A Probably Matt Jones, but that's based on
13 who I was communicating with. I don't know that
14 that specifically happened.

15 Q If additional state funds were going to be
16 made, where would those funds have been coming from?

17 MS. JOHNSON: Objection.

18 You can answer.

19 A I think that the department received some
20 state funds that can be moved.

21 Q Was it common for the department to
22 receive funds that could be used for these
23 positions?

24 MS. JOHNSON: Objection.

25 You can answer.

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1 A I don't know. I mean I don't know. I
2 know that it was communicated to me that if I didn't
3 have the money in the special education budget that
4 some additional funding could be available.

5 Because Atlanta this time -- excuse me --
6 at this time the budget for the special education
7 division could have been approved, and it would have
8 meant probably a budget change to create a different
9 position.

10 Q You also state that if not, you would,
11 quote, "partially fund with IDEA Part B."

12 What does that mean?

13 A It would mean that I would go back into
14 the federal budget, the IDEA Part B budget, and
15 probably move some money from one place to another
16 place to be able to fund it.

17 Q How was Ms. Rahming's position ultimately
18 funded?

19 A I do not remember.

20 Q She was a state employee, or an employee
21 of the State Department of Education?

22 A Uh-hum. (Affirmative.)

23 Yes.

24 Q I'll show you another document.

25 A Thank you for making it big.

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1 I said thank you for making the documents
2 big.

3 Q No problem.

4 MS. HAMILTON: I'd like for the court reporter
5 to mark this document as Plaintiff's Exhibit 286.

6 (WHEREUPON, Plaintiff's Exhibit-286 was
7 marked for identification.)

8 MS. HAMILTON: This is an August 21st, 2015
9 email from Deborah Gay to Matt Jones and Clara
10 Keith, with the subject of "position."

11 The Bates number is GA00165749, and there
12 is one attachment to this cover email.

13 BY MS. HAMILTON:

14 Q Ms. Gay, I'll give you a moment to, first
15 of all, look at the cover email. We'll start there
16 first.

17 A Okay.

18 MS. HAMILTON: And as your reading that, for
19 the record I just want to correct the Bates number
20 is GA00165748.

21 The attachment is GA00165749.

22 (Witness reviews exhibit.)

23 Q Do you recognize this document?

24 A Yes.

25 Q What were you discussing in this email

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1 yes?

2 A The position posting for the manager
3 position for GNETS.

4 Q In your email you suggest that you, Matt
5 Jones and Clara Keith meet to, quote, "discuss the
6 position."

7 Is that correct?

8 A Yes. Just the specifics of the posting.

9 Q Earlier you mentioned that you and Matt
10 Jones were involved in the hiring of Ms. Rahming.
11 Was Clara Keith also involved in the hiring of Ms.
12 Rahming?

13 A Not that I recall. I mean I don't recall.
14 I mean I know we had met and we interviewed Nakeba
15 together.

16 Q So at least with the job description Clara
17 Keith was involved with that process?

18 A Yes. In reading this, I assume that she
19 was, but I do not recall that.

20 Q You also mention in this email: "Thank
21 you both for your efforts to address the current
22 issues keeping the focus on these students with
23 significant needs."

24 What were the current issues that you were
25 referring to?

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1 A I don't recall specifically. I mean there
2 are always issues. There are always things that
3 need to be improved and discussed.

4 I'm assuming that we wanted to get the
5 right person in the position who could address the
6 needs that we were -- had been identified with the
7 GNETS program.

8 Q All right. So we're going to scroll down
9 to this attachment, which is a copy of the job
10 description.

11 And I'm going to give you a moment. I'll
12 give you control so you can scroll through it and
13 see what we have here.

14 A Okay.

15 Q And after you finish looking at it, just
16 let me know when you're ready.

17 (Witness reviews exhibits.)

18 A Okay.

19 Q All right. So in the cover email this
20 first line says: "I am attaching the job
21 description Matt shared with me with some of my
22 edits."

23 So scrolling back to this job description,
24 did you review this job description at the time?

25 A I believe I must have. I mean I don't

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1 recall doing it specifically but I think everything
2 indicates that I did.

3 Q And as you noted in your email, this
4 document reflects your edits. Do you see those
5 edits in this document?

6 A I'm assuming they're the cross-throughs.

7 Q And this first paragraph starts with
8 "Under limited supervision responsible" -- it says:
9 "Description of Duties: Under limited supervision
10 responsible for overseeing, monitoring and managing
11 the Georgia Network for Educational and Therapeutic
12 Supports (GNETS)," and it goes on to list various
13 programs and responsibilities.

14 You did not edit this first paragraph,
15 correct?

16 A I do not see any edits.

17 Q So going down to the second bullet point
18 where there are strike-throughs, can you explain
19 what edits were made to this bullet point?

20 A It looks like I did a strike-through on
21 the second bullet. I must have felt that it was
22 sufficient to say "identify those programs that
23 require targeted technical assistance to meet
24 established program standards." Because I think if
25 you meet standards, you're doing the other part.

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1 Q And then you also struck the word "model"
2 from risk assessment model. Was there any
3 particular reason for that?

4 A I'm looking at that, trying to find that.
5 Oh, yeah. I don't think we had a risk
6 assessment model at that point. I don't remember
7 why I struck "model."

8 Q Okay. And then moving on to the fourth
9 bullet point, it looks like you also struck the
10 words "Interviewing/Surveying," and then at the end
11 "the effectiveness of the program."

12 Why would that have been changed?

13 A Well, I think delivery of services through
14 the IEP process is where I would have stopped, and
15 I'm assuming that's why I struck "the effectiveness
16 of the program," and I don't, I don't even recall
17 what Interviewing/Surveying is. I don't know why I
18 did that.

19 Q Okay. But there are no other edits that
20 were made to this document that you can --

21 A That I saw when I reviewed it, no.

22 Q Thank you.

23 And then I'm just scrolling to the end.
24 At the very end, the document also contains a few
25 questions. Let's see.

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1 Under Minimum Qualifications, this last
2 full sentence says: "Must hold or be eligible for
3 Georgia professional educator certification or
4 professional license."

5 And then there's a comment here that says:
6 "We need to decide if this is a requirement."

7 Is there any reason that you would not
8 want someone -- sorry. That you would not make this
9 a requirement?

10 A I do not recall any reason why we would
11 not. And I think the key there is eligible. That
12 opened it up for people out of state.

13 Q And then there was one other comment here
14 at the end, where it says, "Salary/Benefits," and
15 then it says, "Pay grade 20? Do we have a
16 coordinator position at the GaDOE?"

17 What is the significance of the framing of
18 these as questions?

19 A I really don't recall.

20 Q What would have been your position
21 regarding the proposed pay grade of 19 that we
22 discussed in the last email and the potential pay
23 grade of 20 here?

24 A Well, I don't think -- we did not have a
25 -- what I recall is we didn't really have a

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1 coordinator position. That was not -- there was not
2 a position with that title attached to a pay grade.
3 So I guess -- I really don't know what happened with
4 this. It looks like in the email I sent to Denise
5 we decided to do pay grade 19 and call it a manager.

6 Q And in terms of sequence, the date for
7 this was after the date for the one for Denise?

8 A Okay. Again, I don't recall that
9 sequence.

10 Q So would a coordinate -- if a coordinator
11 position had existed, it would have been a pay grade
12 of 20?

13 A I don't know because --

14 Q It didn't exist?

15 A I don't think it existed within the
16 framework of our budget.

17 Q Okay.

18 A I would assume when Nakeba was promoted --
19 I don't know what pay grade she was hired on, let me
20 say that as a starting point. I don't know if it
21 was pay grade 19 or pay grade 20. I don't recall.

22 Q I'll stop sharing this document.

23 MS. HAMILTON: I want to pause for a moment to
24 gauge when is a good time to break for lunch.

25 MS. JOHNSON: How do you feel? You want to go

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1 off the record.

2 MS. LILL: Go off the record.

3 THE VIDEOGRAPHER: Off the record at 12:23 p.m.

4 (A luncheon recess was taken.)

5 THE VIDEOGRAPHER: We're back on the record at
6 1:18 p.m.

7 BY MS. HAMILTON:

8 Q All right, Ms. Gay.

9 A Yes.

10 Q We are going to return to discussing about
11 hiring of Nakeba Rahming. I'm going to show you
12 another document in a moment.

13 MS. HAMILTON: I would like for the court
14 reporter to mark this as Plaintiff's Exhibit 287.

15 (WHEREUPON, Plaintiff's Exhibit-287 was
16 marked for identification.)

17 MS. HAMILTON: This is a September 16, 2015
18 email from Deborah Gay to Matt Jones and Denise
19 Peterson

20 The Bates number is GA00166277, and this
21 exhibit does have four attachments.

22 BY MS. HAMILTON:

23 Q I want to start with the cover email, and,
24 Ms. Gay, I will give you control just so you can
25 quickly scan this. It's just this first page.

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1 A Okay.

2 (Witness reviews exhibit.)

3 Q That's the end of the cover email.

4 A Okay.

5 Q Do you recognize this email?

6 A Now that I'm looking at it.

7 Q Okay. So I just want to note that in the
8 initial email dated September 16, 2015 here, this is
9 from you and it says: "Matt and Denise, I have
10 attached a revised GNETS job posting."

11 The date of the last posting that we have
12 reviewed was in August of 2015. So this email would
13 have come after that, correct?

14 A I'm assuming so if it's dated September.

15 Q And in this email you indicate that you've
16 incorporated Matt and Denise's suggestions. Is that
17 correct?

18 A Yes.

19 Q You also note here, at the end it says:
20 "As an aside, it has also been suggested to me a
21 team be assembled rather than a fulltime position.
22 Expertise in therapeutic services, instruction and
23 administrative rather than a fulltime position.
24 Your thoughts?"

25 What would have been the benefits hiring a

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1 team as opposed to a full-time position?

2 A I really don't remember writing that, so I
3 don't know what was on my mind at the time.

4 Q It says it had been suggested to you.
5 Were there -- had there been discussions about
6 hiring a team to fulfill the responsibilities of Ms.
7 Rahming?

8 A As I said, I really don't remember what
9 prompted this part of the email. Clearly, somebody
10 did I guess, but I don't remember.

11 Q And then in this next email that you wrote
12 to Matt Jones, it says: "Matt, I've spoken with
13 Denise and she will get this out tomorrow if you
14 approve."

15 Did Matt Jones have to approve the job
16 posting before it could be posted?

17 A Yes.

18 Q Did anyone else have to approve?

19 A No, but that was the typical chain of
20 command for new postings.

21 Q So I'm going to turn to the first
22 attachment in this document, which is GA00166278.

23 And this attachment says it is a job
24 posting -- sorry. A job announcement for the
25 education program specialist position.

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1 Do you see that?

2 A Yes.

3 Q So starting with this attachment, I want
4 to talk through some of the job requirements that
5 are listed here, and in this first sentence it says:
6 "Under limited supervision" -- is this size okay or
7 you want me to make it bigger?

8 A It's fine. I can see it.

9 Q Okay. So this first sentence here says:
10 "Under limited supervision and aligned to general
11 supervision of the Individuals with Disabilities Act
12 (IDEA) provide leadership and general supervision to
13 the Georgia Network for Educational and Therapeutic
14 Supports (GNETS)."

15 What was your understanding of the
16 leadership that this position would provide for the
17 State's GNETS program?

18 A I believe that it was important for
19 someone to take -- and I can't think of a better
20 word than leadership -- a leadership role with the
21 GNETS directors to start implementing some of the
22 improvements that had been indicated as needed with
23 the program.

24 When you have 24 directors who all feel
25 autonomous, you need to have someone who can take

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1 charge.

2 Q And in that same sentence it also says:
3 "General supervision." What was your understanding
4 of what the general supervision would look like that
5 the person in this position would provide?

6 A General supervision is a term that's used
7 throughout education documents. I think it refers
8 to supervision of the implementation of the State
9 Board rules, as well as the federal law.

10 So when you see the term "general
11 supervision," I think it has little bit of a broader
12 meaning, in that it is about the supervision to
13 ensure the implementation and the -- implementation
14 of the state laws and the federal laws.

15 Q I'm going to skip this next sentence, but
16 do you see where it starts with the sentence that
17 says, "Additionally"?

18 A Uh-hum. (Affirmative.)

19 Q "Additionally, this individual must
20 possess knowledge of budget development and fiscal
21 accountability required to review the facility
22 funding application process in conjunction with
23 GaDOE staff."

24 Why is it important that this person have
25 knowledge of budget development and fiscal

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1 accountability?

2 A Well, since the GNETS program is funded
3 through a state grant, I think it's important -- it
4 was important for the person to understand the
5 development of a budget and how a budget aligns to
6 the needs of a program.

7 And when you start talking about the
8 fiscal funding application, really being able to
9 review a budget application and ensure that the
10 expenditures are aligned to the requirements and
11 needs of the program.

12 Excuse me. And then when it says
13 "facility funding application," I'm assuming that
14 means, means coordination with the person who was --
15 doing the oversight of the facilities.

16 Excuse me.

17 Q Would this be connected to the needs
18 assessment that you mentioned earlier in connection
19 with the facilities?

20 A Yes.

21 Q So then the next sentence says: "This
22 position requires the skills," and then it goes on
23 to list several things. I'll read it so we have it
24 on the record.

25 "To collaborate with local school

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1 districts, Oversee the implementation of the
2 instructional program, the provision of therapeutic
3 supports to students and families, and the
4 implementation of positive behavior supports at
5 program wide level, targeted group and intensive
6 individual."

7 The word I want to focus on here, though,
8 is "skills."

9 What skills would be required to carry out
10 these various tasks?

11 MS. JOHNSON: Objection.

12 You can answer.

13 A Well, the first one that's listed is
14 collaborate with local school districts. That's an
15 important skill because being able to come to the
16 table when there are different priorities and needs
17 based on what a local school district can do and
18 what the GNETS can do, it's important it be a person
19 who has the skills or some experience in their
20 previous job to be able to collaborate.

21 Oversee the implementation of the
22 instructional program, they would need to have
23 knowledge of -- they would need to have a curriculum
24 background and understand the skills teachers need
25 to implement a strong instructional program.

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1 So that's a little bit different than a
2 classroom teacher.

3 The provision of therapeutic supports and
4 families, students and families, I think that also
5 reflects some knowledge of behavioral health.

6 And finally, the implementation of
7 behavioral supports at a program level, we were
8 really looking for someone who knew the PBIS program
9 and who understood the foundational parts of that
10 and had dealt with training and implementation.

11 Q And then it also says: "Oversight of
12 compliance with all requirements of federal
13 regulations and state board rules applicable to
14 students with disabilities."

15 How would that come into play in this
16 particular role?

17 MS. JOHNSON: Objection.

18 You can answer.

19 A I would say it would need to be someone
20 who has had experience with IDEA and understood how
21 to look at State Board rules, or who had the
22 capacity to acquire that knowledge.

23 Q It also mentions federal regulations.
24 What federal regulations are they -- would they be
25 responsible for complying with, or I should say

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1 helping others to comply with?

2 A IDEA Part B.

3 Q Did the -- did your understanding of this
4 job description explicitly require oversight of
5 compliance of Section 504?

6 MS. JOHNSON: Objection.

7 You can answer.

8 A No, but typically if a student is in
9 GNETS, they're going to have an IEP, which really
10 should be inclusive of 504.

11 Q And in your understanding of this job
12 announcement, would oversight of compliance with
13 federal regulations include requirements related to
14 the American with Disabilities Act?

15 A Absolutely.

16 MS. JOHNSON: Objection.

17 You can answer.

18 THE WITNESS: I'm sorry.

19 MS. JOHNSON: No, you're fine.

20 A Yes.

21 Q So continuing on, the next section talks
22 about the duties that this person would have, and I
23 want to walk through each of these one by one.

24 A Okay.

25 Q So this first duty says: "Collaborating

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1 with the Georgia Department of Education (GaDOE)
2 team by building professional learning structures,
3 conducting site visits teach program and satellite
4 sites at a minimum once per year, ensuring that the
5 strategic plan and performance monitoring is
6 continued and that programs are meeting their goals
7 and objectives;"

8 So I'm going to have to take you through
9 those one by one.

10 A Okay.

11 Q But are these duties consistent with what
12 you would envision this person would to?

13 A Yes.

14 Q Can you explain why each of these duties
15 would be important to this role in the GNETS
16 program?

17 A Within the Division of Special Education
18 here at the department there was a compliance
19 monitoring team, and that team has the
20 responsibility of going into local school districts
21 and GNETS programs to ensure compliance with State
22 Board rules and IDEA Part B and, as you said, ADA
23 and 504 indicated.

24 So I think this job requirement talks
25 about being able to work with that compliance team

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1 who are conducting those site visits to each program
2 and satellite sites to become a part of that team
3 and work with them.

4 Now, I believe that the compliance team
5 prior -- in prior years did not do every GNETS
6 program every year. There was a rotation, as with
7 local school districts, in terms of compliance
8 monitoring.

9 So I think the vision with this job
10 posting is those compliance monitorings would happen
11 annually for all of the GNETS programs.

12 Q It also mentions building professional
13 learning structures. Why would that duty have been
14 important to this particular role for the GNETS
15 program?

16 A I think in the performance audit we looked
17 at earlier it was reported that different GNETS
18 programs were using different therapeutic programs
19 based on their philosophies. I think the intention
20 for the duties of this person were to bring some of
21 those in line and make sure that there was training
22 throughout the network to ensure some consistency
23 with therapeutic approaches, which becomes important
24 with students moving from program to program.

25 Q It also says -- in that same part that we

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1 read -- "ensuring" -- we talked about site visits.

2 It says: "Ensuring that the strategic
3 plan and performance monitoring is continued and
4 that programs are meeting their goals and
5 objectives."

6 Why would that be important to this role
7 in connection with the GNETS program?

8 A Well, when you focus on improvement and
9 accountability, you set goals and objectives for a
10 program, and if no one is looking at the progress on
11 those goals and objectives, there is no
12 accountability.

13 So it's an accountability measure.

14 Q During the time that Ms. Rahming served in
15 this role, did she ultimately discharge these
16 duties?

17 A She was in the process, I believe, of
18 discharging these duties.

19 Q And the ones we talked about so far?

20 A I don't specifically have the details
21 regarding that.

22 Q For example, Ms. Rahming -- do you know if
23 Ms. Rahming was involved with building professional
24 learning structures? I'm assuming that's the
25 training you were talking about?

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1 A I believe she was.

2 Q What would that have looked like?

3 MS. JOHNSON: Objection.

4 You can answer.

5 Q I can clarify that. What would the
6 training that Ms. Rahming provided generally look
7 like?

8 MS. JOHNSON: Objection.

9 You can answer.

10 A I do not know the specifics of the
11 training she provided. I would, I would -- I
12 believe that she would look at the strategic plans
13 and see what training was indicated on the strategic
14 plan and have a role in providing that training to
15 the staff at that GNETS program, either by doing it
16 herself or bringing in experts to do that.

17 Q And then similar in there it mentions
18 ensure that the plan and performance monitoring is
19 continued. Is it your understanding that Ms.
20 Rahming was involved in updating the strategic plan?

21 A Yes.

22 Q So then moving on to the next duty, which
23 ties into what we were discussing a moment ago, it
24 says: "Providing professional learning and
25 mechanism to ensure common standards of practice

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1 across the GNETS network."

2 What does that mean to you?

3 A As I said earlier, I think there was --
4 the programs did not have much alignment in terms of
5 the therapeutic practices provided to children, and
6 in our State there's a great deal of mobility, kids
7 who move from one GNETS program to another, and
8 having some common standards of practice for the
9 improvement of academics as well as socioemotional
10 growth became a goal of the network.

11 So having the oversight and putting in
12 place the activities to meet those goals was
13 important.

14 Q I realize I asked you a moment ago about
15 what Ms. Rahming's involvement was with building
16 professional learning structures. For this
17 particular duty about providing professional
18 learning and mechanisms to ensure common standards
19 of practice, during Ms. Rahming's -- during the time
20 that Ms. Rahming served in this role, did she
21 ultimately discharge this specific duty?

22 MS. JOHNSON: Objection.

23 You can answer.

24 A I don't have a lot of direct knowledge of
25 that, as I was not her supervisor at that time.

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1 Q Would you say consistent with what you
2 said a moment ago, though, that her general
3 responsibilities would have involved either
4 providing the professional learning --

5 A Yes.

6 Q -- or coordinating with others?

7 A Yes.

8 Q The next duty listed here says:
9 "Designing and implementing evaluation procedures to
10 gauge the success of implementation and make
11 mid-course adjustments to adult learner
12 initiatives."

13 What is this referring to?

14 A I think it's referring to what I would
15 consider to be progress monitoring. When you have a
16 plan, you want to do some monitoring along the way.
17 You don't want to wait until the end of the year and
18 say, oh, we didn't meet that goal.

19 I don't have -- I don't know the specifics
20 of the technology structures that were put in place,
21 but I think more things were automated so that that
22 progress monitoring could occur along the way to see
23 if the individual GNETS programs were making
24 progress towards meeting the goals they had set out
25 in their strategic plans.

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1 Q And this part at the end says "adult
2 learner initiatives."

3 A Uh-hum. (Affirmative.)

4 Q What does that mean?

5 A Well, teaching adults is very different
6 than teaching children. So they have some knowledge
7 of strategies that work well with adult learners was
8 important to me in whoever was hired in this
9 position.

10 They needed to have some experience with
11 staff training.

12 Q And you describe this collectively as
13 progress monitoring, correct?

14 A Are you speaking about this last --

15 Q The duty we just --

16 A This last chain? Yes, yes.

17 Q During the time that Ms. Rahming served in
18 this role, was she responsible for carrying out this
19 specific duty?

20 A Yes.

21 Q The next duty listed here says:
22 "Designing and implementing summative evaluation
23 procedures that document the impact of the
24 programs."

25 What does this mean?

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1 A As I said earlier, our data collection
2 around the GNETS programs was needed improvement.
3 So I think setting up -- and I think that Ms.
4 Rahming did this through technology, some platforms
5 -- I'm not a good techie person, so I may not use
6 the right words.

7 Q That's fine.

8 A But a platform or where she can go in and
9 have the GNETS programs put information in and she
10 could look at that along the way, and then there
11 were would be a summative report. I think it was
12 all automated, not done through paper and pencil,
13 which was my world way back when.

14 Q And as we're talking about data, this next
15 duty listed here says: "Collecting performance data
16 including how many students transition back to
17 services delivered from their home school districts,
18 documentation of supports to ensure successful
19 transitions as well as interventions delivered by
20 the program to maintain students in their home
21 school districts."

22 Why would this duty have been important to
23 this particular job position in serving the GNETS
24 program?

25 A That's very specific in terms of what you

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1 put in the job description but, again, it speaks to
2 the specificity of the data that we felt was needed
3 to really make a good assessment of if the programs
4 were achieving their goals.

5 It was not data that was collected before,
6 so it was very specific data we thought was
7 important. So we listed it in the job description.

8 And certainly having the skill set to
9 develop platforms to collect that data was
10 important.

11 Q And it continues on to talk about more
12 data here. It says: "Using data to inform targeted
13 group change, and intensive individual change
14 initiatives on adult practices and the
15 performance/achievement of students."

16 What does this mean where it says,
17 "informed targeted group change and intensive
18 individual change initiatives on adult practices"?

19 A Well, what it means to me is that if
20 you're going to do some targeted performance
21 improvement, you're most likely talking about group
22 change in a program like GNETS because you're going
23 to need to get a group of people to change their
24 practice.

25 So group change becomes important. It's

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1 not getting a single individual teacher to teach
2 reading better; it's about getting a group of people
3 to move forward with an initiative in a collective
4 way.

5 Q And then it says "the intensive individual
6 change initiatives on adult practices."

7 Is that related to what you were just
8 saying?

9 A Yes. I'm sorry.

10 Q And then it also -- just kind of putting
11 rest of the sentence together. "Intensive
12 individual change initiatives on adult practices and
13 the performance/achievement of students."

14 How would the -- how would this connect
15 with regard to the performance and achievement of
16 students?

17 A Almost every accountability in the system
18 in the nation right now ties teacher performance to
19 student achievement. So I think this was an effort
20 to say you measure your changes in adult practice by
21 changing the outcomes for students.

22 Q And during the time that Ms. Rahming
23 served in this position, would it have been your
24 expectation that she -- or whoever got hired really
25 for this position -- would be collecting and

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1 analyzing the data in this manner?

2 A Yes.

3 Q And then it looks like the last duty
4 listed here says: "Working collaboratively with
5 intensive" -- I'm sorry, combining lines. Let me
6 start over.

7 This last duty says: "Working
8 collaboratively with other internal and external
9 partners including Regional Educational Service
10 Agencies (RESAs) other State Agencies, the office of
11 Curriculum and Instruction, the Georgia Learning
12 Resources System, and colleges and universities."

13 What was intended by including this duty?

14 MS. JOHNSON: Objection.

15 You can answer.

16 A Those are the partners that were I think
17 required to make the improvement changes needed in
18 GNETS.

19 And, again, that ability to collaborate
20 with external partners is a skill set.

21 Q What is the relationship between the GNETS
22 programs and the Regional Educational Service
23 Agencies, or RESAs?

24 A Several of the programs have RESAs who act
25 as their fiscal agents, and those fiscal agents have

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1 duties like making sure they have liability
2 insurance and making sure that the budget and funds
3 are received and allocated properly.

4 So it's an important relationship for
5 those specific RESAs that act as fiscal agents for
6 GNETS.

7 Q And so the expectation was that the person
8 in this role would work collaboratively with the
9 RESAs?

10 A Uh-hum. (Affirmative.)

11 Q And then this says "Other State Agencies"
12 --

13 A Yes, I'm sorry.

14 Q And then it says, "other State Agencies."
15 What other state agencies would have been
16 considered among the internal and external partners
17 that this person would have worked with?

18 A I don't think we listed them specifically.
19 I think the door was open to bring in other partners
20 who might be able to provide support to the GNETS
21 program. DBHDD is one that comes to mind, but it's
22 probably not the only state agency that had
23 resources to contribute.

24 Q You also mention here the Office of
25 Curriculum and Instruction. Is this the office

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1 within the Department of Education?

2 A Yes.

3 Q And what would have been the expectation
4 for this person, this position working
5 collaboratively with that office?

6 A The academic achievement of students in
7 GNETS was a rising concern, so the Office of
8 Curriculum and Instruction is the Georgia Department
9 of Education that is responsible for curriculum
10 instruction.

11 Again, that collaboration becomes very
12 important moving across the different departments at
13 the GaDOE because we wanted those resources from
14 that division to come to not just GNETS but to make
15 sure all of kids in special education were having
16 access to those resources.

17 Q This also lists the Georgia Learning
18 Resources System. What is the Georgia Learning
19 Resources System?

20 A The Georgia Learning Resources System, we
21 call it the GLRS, is funded with IDEA funds, and it
22 was originally conceived to provide some support
23 from the IDEA Part B funds to set up learning
24 resource systems that local systems special
25 education teachers and professionals could access,

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1 as well as parents.

2 So it's an IDEA funded network in our
3 state. I believe there are 15 of them. I can't
4 remember the number completely. But it's a
5 long-standing special grant program out of IDEA Part
6 B.

7 Q And the expectation would have been for
8 the person in this position to also work with the
9 GLRS?

10 A Yes.

11 Q And then the last partner listed here is
12 colleges and universities.

13 What would have been the expectation for
14 the person in this role in connection with
15 collaborating with colleges and universities?

16 A At that point in time we had a special
17 grant, a special federal grant, working on teacher
18 preparation. I can't believe -- I can't remember
19 the name of the grant but I can't. And those -- we
20 were meeting quarterly with folks from GSU, Kennesaw
21 State -- it seems like one other college.

22 Anyway, to work with staff to work on
23 special education teacher preparation.

24 Q And that would be an example of what the
25 collaboration could look like?

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1 A Uh-hum. Yes.

2 Q During the time that Ms. Rahming served in
3 this position, was she expected to work
4 collaboratively with the internal and external
5 partners we just discussed?

6 A Yes. That was a requirement of the
7 position.

8 Q And then last thing that it says here
9 under Description of Duties is that this position
10 would require -- will require statewide travel.

11 Why was statewide travel a required part
12 of this role?

13 A Ms. Rahming would need to visit the
14 programs. I think we're talking about supervision
15 from afar. We were talking about regular site
16 visits to the GNETS programs to ensure, again, the
17 implementation of the strategic plans and to follow
18 up on facilities.

19 Q One other thing I wanted to note, just
20 scrolling down to salary and benefits, here it says
21 pay grade of 20?

22 A Uh-hum. (Affirmative.)

23 Q So this is a change from the initial pay
24 grade of 19 --

25 A Yes, I believe it is.

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1 MS. HAMILTON: I'll stop sharing.

2 BY MS. HAMILTON:

3 Q I want to transition now to talk briefly
4 about interview and selection process of Ms.
5 Rahming.

6 I know you had mentioned earlier that Matt
7 Jones was on the interview committee, and I think
8 Clara Keith was on a number of these emails, but you
9 said you don't remember if she was part of the
10 committee?

11 A I don't remember her being in the room
12 when we interviewed her.

13 Q I'm about to share another document with
14 you.

15 A Okay.

16 MS. HAMILTON: I'd like for the court reporter
17 to mark this as Plaintiff's Exhibit 288.

18 (WHEREUPON, Plaintiff's Exhibit-288 was
19 marked for identification.)

20 MS. HAMILTON: This is an email from Clara
21 Keith to Debbie Gay, and Matt Jones is copied, on
22 December 11, 2015, and the Bates number is
23 GA00481539.

24 BY MS. HAMILTON:

25 Q I'm going to give you a moment to --

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1 really the only relevant part here is on the first
2 page, but I'll give you a moment to take a look at
3 it.

4 (Witness reviews exhibit.)

5 A Can you scroll down so I can see the next
6 section of the email?

7 Q Sure.

8 A Okay.

9 (Witness reviews exhibit.)

10 A Okay.

11 Q Do you recognize this document?

12 A I don't remember it but I recognize it
13 now.

14 Q Okay. What does the document show?

15 A It confirms that the Board has approved
16 the hiring of Nakeba.

17 Q And it looks like she was hired on -- or
18 her effective date was to start on January 19, 2016.
19 Is that correct?

20 A Yes.

21 Q And it looks like at the time her title
22 was education program specialist; is that correct?

23 A Yes.

24 Q And I know -- just from my understanding,
25 it seems like her title changed a lot. Do you

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1 understand like why that would have been? I think
2 you mentioned earlier she was a director, too.

3 A Yes. The title -- the job titles in the
4 title deck, what's called the title deck, are
5 sometimes a little bit different. I don't recall
6 why she was called a program specialist. That may
7 have equated with manager. I really can't remember.

8 So as I look at the document that is from
9 Denise, I assume that that is the title she was
10 hired under and that the Board approved.

11 Q And then you were saying earlier at some
12 point her title then changed --

13 A Yes.

14 Q -- to a director?

15 A Yes.

16 Q You mentioned that Matt Jones was involved
17 in the hiring of Ms. Rahming. What other kind of
18 decisions was he responsible for as it pertained to
19 GNETS?

20 MS. JOHNSON: Objection.

21 You can answer.

22 A I think as the -- I don't know the right
23 word to describe this, but certainly as things were
24 moving forward with improvement for GNETS, Matt was
25 more involved. It was certainly something that

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1 several State Board members were concerned with
2 because of the audit reports and the information,
3 the hiring of someone new.

4 So his, his role in understanding more
5 about the GNETS program increased as time went on,
6 as time moved forward.

7 Q Would he have had to approve any of the
8 major decisions that Ms. Rahming made when she was
9 in the director position?

10 MS. JOHNSON: Objection.

11 You can answer. I don't know the answer
12 to that question.

13 Q And you did say earlier that Matt Jones
14 was Nakeba's supervisor --

15 A Yes.

16 Q -- when she became director?

17 You mentioned earlier that there were
18 other state DOE positions that had GNETS in the job
19 -- yeah, that had GNETS in the job description and
20 you were involved with hiring for those positions.
21 Is that correct?

22 A What I don't know is was it specifically
23 detailed in the job description. There were program
24 managers who were assigned that duty, but I don't
25 know if it was in the job description when they were

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1 hired. It could have been, I just don't remember.

2 Q All right. I'd like to show you another
3 document.

4 MS. HAMILTON: I'd like the court reporter to
5 mark this as Plaintiff's Exhibit 289.

6 (WHEREUPON, Plaintiff's Exhibit-289 was
7 marked for identification.)

8 MS. HAMILTON: This is an email from Deborah
9 Gay to Virginia O'Connell, dated April 21st, 2016,
10 with the subject of "Forward: Research." And this
11 document has two attachments.

12 BY MS. HAMILTON:

13 Q I'll give you a moment, Ms. Gay, to scroll
14 through it. The relevant parts will be this initial
15 cover email and then the first attachment.

16 (Witness reviews exhibit.)

17 MS. HAMILTON: For the record -- for the
18 record, the Bates number for this document -- the
19 first page is GA00168517.

20 BY MS. HAMILTON:

21 Q So returning to this cover email, it
22 appears that you're sending a draft job announcement
23 to Virginia O'Connell and asking if she has any
24 edits. Is that correct?

25 A Yes.

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1 Q So I'm going to scroll down to this email
2 that actually came before it, just to make sure I
3 understand why you were doing that.

4 So what was the context for why you were
5 emailing Ms. O'Connell?

6 A She was retiring and we needed to fill her
7 position. So this would be the job announcement I
8 believe that they were developing to be the program
9 manager for the PBIS program. And clearly, as you
10 read the job announcement, we did put the oversight
11 of the GNETS program in this job announcement.

12 Q And I understand this wasn't the final
13 announcement?

14 A Right.

15 Q I don't have a copy of that, but I am
16 curious if you can explain more what someone in this
17 position would have been doing related to GNETS?

18 Let me repeat the question.

19 So I want to better understand -- this
20 position says Education Program Manager, Positive
21 Behavioral Supports.

22 What would their involvement be with
23 GNETS?

24 And the description of duty says:
25 "Providing supervision of the Georgia Network for

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1 Educational" --

2 THE WITNESS: Give me a second. I'm going to
3 turn my phone off. I don't want that to happen
4 again.

5 Q Let's try this one more time.

6 So I'm trying to further understand for
7 this position, which says Education Program Manager,
8 Positive Behavior Supports, what their role would
9 have been in connection with GNETS.

10 A I'm trying to think how many program
11 managers I had at that time. And there was a
12 program manager Compliance, there was a program
13 manager for System Technology and Communication,
14 there was a program manager for Budget, Data and
15 Disputes. We hired an attorney for disputes at that
16 point.

17 It seemed to be the best fit for this
18 program manager position because the person in this
19 role was in charge of the statewide implementation
20 of Positive Behaviors, Interventions and Supports.
21 So someone with a good knowledge of behavior
22 intervention, because of the program they were
23 leading, was the make-sense person to -- when we
24 replaced Ms. O'Connell when she was retiring,
25 because she had been doing this in the past.

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1 It made sense to go ahead -- I guess I
2 decided to formally put it on the job announcement
3 for someone coming into that role.

4 Q And how did you envision that this
5 person's role would interact with the role that Ms.
6 Rahming held?

7 A Once Ms. Rahming was hired and came on
8 board, she would definitely have been coordinating
9 with all the program managers. So if she wanted to
10 bring positive behavior and supports into one of the
11 programs for GNETS that was not operating with that
12 model, she would have worked with this program
13 manager.

14 The oversight -- oversight, and I use that
15 word very loosely -- of the GNETS program and
16 communication with the GNETS program shifted to
17 Nakeba and moved away from this program manager once
18 that happened. When she was hired.

19 Q Who was ultimately hired for the education
20 program manager - positive supports position?

21 A Justin -- I can't remember his last name.
22 That's terrible. I don't think he's here anymore.
23 He had been on the PBIS team. He was one of the
24 trainers and he moved into that role.

25 His first name was Justin and I don't

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1 recall --

2 Q Does Justin Hill sound familiar? Hill,
3 H-I-L-L?

4 A I think so. Sorry. I'd have to do some
5 research. That is probably his name.

6 Q We're going to turn to one more document
7 on this topic.

8 MS. HAMILTON: I'd like for the court reporter
9 to mark this next document as Plaintiff's Exhibit --
10 sorry. This document has actually been previously
11 marked as Plaintiff's Exhibit 64.

12 (WHEREUPON, Plaintiff's Exhibit-64 was
13 previously marked for identification.)

14 BY MS. JOHNSON:

15 Q This is an email chain between Nakeba
16 Rahming and Clara Keith, in the time frame November
17 2015. The part I want to focus on here is this
18 initial email.

19 I'll give you a quick moment to look at
20 it, but then let me know when you're, when you're
21 ready.

22 (Witness reviews exhibit.)

23 A Well, as I'm looking at it, maybe Clara
24 was in the interview. I really don't remember that.
25 I remember doing it in my office. I remember Matt

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1 being there. Perhaps Clara was there. I just don't
2 remember.

3 Q So based on the email that Ms. Rahming
4 sent to Ms. Keith, Ms. Rahming is indicating Ms.
5 Keith, you, and Matt Jones had participated in the
6 interview?

7 A Yes, that's what it says.

8 Q Thank you.

9 A You're welcome.

10 Q I want to switch gears now and talk about
11 the State Department of Education's role in planning
12 and monitoring and oversight of the GNETS program.

13 As a general matter, what tools did the
14 State develop to aid in long-term planning for the
15 GNETS program?

16 MS. JOHNSON: Objection.

17 You can answer.

18 A I know that --

19 Q Based on your knowledge from the positions
20 that you held?

21 A This probably -- I remember working on the
22 strategic plan document. I remember working on a
23 self-assessment that GNETS would complete. There
24 were probably other things that I'm not remembering.

25 Q And as discussed earlier, Ms. Rahming was

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1 tasked with helping to develop some of these
2 documents, correct?

3 A Yes. I think we had gotten started on
4 some of them. I think they were revised, finished,
5 you know, once she came on board. I can't remember.

6 Q I want to return to the document we were
7 just looking at. It was the document previously
8 marked as Exhibit 64.

9 Where we left off, we were looking at this
10 initial email at the bottom that Ms. Rahming had
11 sent to Ms. Keith --

12 A Yes.

13 Q -- with some questions.

14 I'm going to scroll up to the email that
15 contains Ms. Keith's responses --

16 A Okay.

17 Q -- to Ms. Rahming's questions, and I want
18 to focus on the third question that's listed here.

19 If you can just read and that let me know
20 when you're finished.

21 A I'm sorry, would you say that again?

22 Q Can you read and that let me know when
23 you're finished?

24 A Yes.

25 Q Let me know if you need me to scroll down

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1 to the original question.

2 A Okay.

3 Q And the original question just said:
4 "What are your short and long-term expectations of
5 the hired candidate?"

6 So in this first sentence of Ms. Keith's
7 response, she says: The short-term expectations
8 include working with Debbie Gay and me to develop a
9 project management plan that includes detailed
10 action steps to address program improvements."

11 Did Ms. Rahming in fact work with you and
12 Ms. Keith to develop a project management plan?

13 A Yes. In the, in the short term.

14 Q And what is a project management plan?

15 A I think it -- as I recall, it was kind of
16 an outline of steps that would need to be
17 implemented to fulfill her role in the work that
18 needed to be done going forward.

19 I don't remember a specific document.
20 There could have been one.

21 Q And she notes -- Ms. Keith notes here that
22 the plan includes "detailed action steps to address
23 program improvements."

24 Is that what that says?

25 A Yes.

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1 Q And when you worked on the document, was
2 that included among the purpose of why you were
3 working on it?

4 A I -- you know, I recall working with Clara
5 and Nakeba when she first came on board. I recall a
6 lot of education about the GNETS program for both of
7 them. I recall sharing the information that had
8 already been developed.

9 So that's what I recall.

10 Q I'm going to show you another document.

11 MS. HAMILTON: I'd like the court reporter to
12 mark this document as Plaintiff's Exhibit 291 -- I'm
13 sorry. 290.

14 (WHEREUPON, Plaintiff's Exhibit-290 was
15 marked for identification.)

16 BY MS. HAMILTON:

17 Q Plaintiff's Exhibit 290 is an email from
18 Nakeba Rahming to a number of individuals who were
19 GNETS directors on February 8, 2016.

20 Ms. Gay, you were copied on this email.
21 Do you see that?

22 A Yes.

23 MS. JOHNSON: The subject says "Draft Strategic
24 Plan." The Bates number for the first page is
25 GA00776953, and this document does have a cover

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1 email and one attachment.

2 BY MS. HAMILTON:

3 Q I'll give you a chance to read this cover
4 email first. Let me know when you're finished.

5 And this is the extent of the cover email.
6 (Witness reviews exhibit.)

7 A Okay, I'm finished.

8 Q Great. Do you recognize this document?

9 A I don't remember it. I'm reading it now.

10 Q Okay. So Ms. Rahming begins by saying:
11 "Please see the first draft of the plan that I began
12 working on."

13 Do you understand her to be referring to
14 the strategic plan here?

15 A I would assume that's what that means. I
16 guess she had been in place for a few weeks at this
17 time.

18 Q And I am just going to scroll down so you
19 can see this attachment.

20 So do you see the Strategic Plan Draft --

21 A Yes.

22 Q -- Number 1 attached?

23 A I do.

24 Q All right. And then I want to jump down
25 to the second paragraph in her cover email, and at

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1 the end she says: "Project management plan is being
2 developed as a guiding document for the state
3 responsibilities and what we will be doing to
4 support you in your work with the GNETS program."

5 The sentence right before that says,
6 "Remember that the strategic plan will be your
7 guiding document for practice and what you would be
8 responsible for overseeing at your" -- I believe
9 this is a typo. I believe it should have said
10 "sites"?

11 A Yes.

12 Q So my question is, do you understand Ms.
13 Rahming to be talking about two different documents
14 here?

15 MS. JOHNSON: Objection.

16 You can answer.

17 A I believe she was.

18 Q What were the two different documents she
19 was referring to?

20 MS. JOHNSON: Objection.

21 You can answer.

22 A I believe the strategic plan was a
23 document that the GNETS directors were working on
24 with her. There was a committee to work on the
25 strategic plan, and there were GNETS directors

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1 involved in that.

2 I believe there was a separate project
3 management plan that would talk about what the State
4 was going to do.

5 Q Just returning briefly to this project
6 management plan for a moment, was anyone else
7 involved in creating it apart -- I'm just
8 referencing the last email that we looked at --
9 apart from Clara and Nakeba and yourself?

10 A I don't recall, and I don't -- I don't
11 recall if I was involved in the creation of that
12 throughout the document. I might have been. I just
13 -- I don't remember.

14 Q Do you agree with Ms. Rahming's summary of
15 the purpose of the project management plan?

16 A I think it was important for GNETS
17 directors to have some clear understanding of what
18 the State was going to be doing, and I'm assuming
19 that's what this project management plan would
20 communicate.

21 Q Still focusing on the project management
22 plan, do you know who the document was shared with?

23 A I do not.

24 Q The time frame that Ms. Rahming is talking
25 about the project management plan, this is February

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1 8, 2016?

2 A Yes.

3 Q And that's also the same -- the date on
4 this email, this is also the same timing for which
5 she's talking about the strategic plan?

6 A Yes.

7 Q I want to ask you some questions about a
8 version of the strategic plan that appeared to have
9 been created prior to 2016, and I'm going to share
10 that document with you.

11 MS. HAMILTON: I'd like the court reporter to
12 mark this document as Plaintiff's Exhibit 291.

13 And this is an email from Sally Kempf to
14 Deborah Gay, dated January 15, 2016, with the
15 subject "RE: Strategic plan."

16 The Bates number is GA00404365, and there
17 is one attachment to this cover email.

18 (WHEREUPON, Plaintiff's Exhibit-291 was
19 marked for identification.)

20 BY MS. HAMILTON:

21 Q I'll give you a second to look at the
22 cover email first.

23 A Okay.

24 Q And looking at this first email, it
25 appears that you are emailing someone named Sally

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1 Kemp. Who is Sally?

2 A Sally was part of my System Technology
3 team. Because of my poor technology skills, she
4 would convert documents to PDFs and post them on the
5 website. She was not involved in development. She
6 simply -- if we needed to put stuff out, she was
7 kind of managing our website and she would convert
8 the document and put it out.

9 Q Okay. So it appears here you were asking
10 Ms. Kemp to post the attached strategic plan on the
11 GNETS web page?

12 A Yes.

13 Q Is that correct?

14 A Yes.

15 Q So let's turn to the attachment.

16 I'm going to give you control --

17 A Okay.

18 Q -- just to briefly skim through the
19 document to familiarize yourself with it, but we'll
20 talk through it together.

21 A Okay.

22 (Witness reviews exhibit.)

23 A Okay.

24 Q Do you recognize this document?

25 A I remember this document, yes.

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1 Q And it looks like here on the cover page
2 it says, "Strategic Plan Update Year 4."

3 Why would there -- why would this say Year
4 4?

5 A I don't remember. I'm sorry, I was trying
6 to read to see if I can remember, but I don't
7 remember why it says Year 4. I know we had been
8 working on it. Ginny O'Connell and I were the basic
9 people working on the strategic plan document.

10 Q Let me scroll down here.

11 What was the purpose of this strategic
12 plan?

13 A Improvement. Having some kind of format
14 to gauge improvement and accountability.

15 Q I want to direct your attention to the
16 beginning of the second paragraph.

17 It says: "This strategy plan addresses
18 recent audit findings, recommendations from
19 stakeholder meetings, and general improvement
20 strategies the Georgia Department of Education
21 (GaDOE) has been addressing over time with the
22 network."

23 So would this strategic plan have been in
24 response to the items that are listed here in this
25 first sentence?

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1 A Yes.

2 Q And then I'm going to move the cursor down
3 and let you see where it is.

4 A Okay.

5 Q Where it starts year one.

6 If you can just independently read those
7 sentences, and if you can explain to me -- it sounds
8 like there are different years of the strategic
9 plan. If you can explain to me what your
10 understanding of each of those different years of
11 the strategic plan were intended, that would be
12 helpful.

13 MS. JOHNSON: Objection.

14 You can answer.

15 A The first year -- as I'm reading this,
16 what I recall is the first year of the plan was
17 really looking at data to fill it out. This is kind
18 of where we are.

19 The second year of the plan would be
20 coming up with activities that are needed to address
21 those deficit areas.

22 And what it says here is additional focus
23 in Year 2 will be identification of data elements
24 needed to create a funding element to support core
25 services to local school districts. Year 3 of the

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1 strategic plan will focus on implementation of the
2 services.

3 So it was a tiered approach.

4 Q I don't know if you saw -- a little
5 earlier it says, "The plan is currently structured
6 around a three-year timeline aimed at completing the
7 identified goals by FY15."

8 Do you see that here?

9 A Yes.

10 Q As we've discussed at the beginning, this
11 document is titled "Strategic Plan Update Year 4."
12 Why was it necessary to have an update to the plan
13 in Year 4 if it was intended to be completed in
14 three years?

15 A I don't think the plan was intended to be
16 completed in three years. I think those steps that
17 we just talked about were completed in three years
18 but the plan would be ongoing. You would continue
19 to update your strategic plan annually, to continue
20 to make improvements in the program.

21 Q What were the areas of focus of the
22 strategic plan?

23 A I don't recall without looking at the
24 document.

25 Q Okay. Let's return back to the same

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1 paragraph.

2 A Okay.

3 Q About midway through here it says: "The
4 strategic plan embodies input from these sources and
5 focuses on seven major areas."

6 If you could take a look at that and let
7 me know if this captures the areas of the strategic
8 plan that you're familiar with.

9 (Witness reviews exhibit.)

10 A In reading it, I would say that's probably
11 accurate if it's part of this document.

12 Q I know you said you didn't remember much
13 about this particular update. Do you remember if
14 there were any further updates after the Year 4
15 update?

16 A I do not remember. I know that when
17 Nakeba came on board I think a new, a new process
18 was put in place, that she and Clara worked on a new
19 process and it was automated, and it wasn't this --
20 you know, people would download this document, fill
21 it out, send it in to us. There was no way to
22 really collect it in any kind of an automatic --
23 automated fashion.

24 And I don't know if -- I really don't
25 recall if the same areas were continued in the new

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1 process or not.

2 Q Well, let's turn to the new process.

3 A Okay.

4 Q So I'm going to close this document.

5 You mentioned Nakeba Rahming and Clara
6 Keith were involved in developing the revised
7 strategic plan. Do you know who else was involved?

8 A I don't recall.

9 Q What was your role?

10 A Um, you know, as Clara provided in her
11 email back to Nakeba, in the short term I was
12 involved. And as the work progressed, I stayed more
13 in my lane as the special ed director. So I
14 certainly had consultation and conversations, but
15 the work was primarily the work of Nakeba and Clara,
16 who reported to Matt.

17 Q I'm going to show you another document.

18 A Okay.

19 MS. HAMILTON: I'd like for the court reporter
20 to mark this document as Plaintiff's Exhibit 292.

21 (WHEREUPON, Plaintiff's Exhibit-292 was
22 marked for identification.)

23 BY MS. HAMILTON:

24 Q This is an email from Nakeba Rahming to a
25 number of different individuals who appear to be

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1 GNETS directors.

2 You can confirm that for me later.

3 Ms. Gay, you are copied on this email?

4 A Yes.

5 MS. JOHNSON: And it's dated February 3rd,
6 2016, the subject: GNETS Strategic Plan Work
7 Session."

8 The initial Bates number is GA00404901,
9 and this document has two attachments.

10 BY MS. HAMILTON:

11 Q I'll give you a moment to read this cover
12 email. That should be all of it.

13 (Witness reviews exhibit.)

14 A Okay.

15 Q So Ms. Rahming's email is addressed -- she
16 says: "Hello strategic plan committee."

17 Do you see that?

18 A Yes.

19 Q What was the role of the strategic plan
20 committee?

21 A I think when Nakeba started to do her work
22 with GNETS, she wanted to take a look at what had
23 been done in the past. So I think she formed a
24 group of GNETS directors who wanted to be involved
25 and had a series of meetings with them to look at

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1 the current strategic plan, if it was working, if it
2 wasn't working, and then move forward from there.

3 Q And it looks like in this email she says:
4 "Please see the information below. The time and
5 place for our work session."

6 It appears she's informing them of an
7 upcoming work session; is that correct?

8 A I'm assuming so. The next part of it is
9 where they can park. So I think they must have come
10 to the DOE.

11 Q All right. So let's look at the second
12 attachment. I'll scroll down for us. The first
13 attachment is a parking map.

14 So the second attachment appears to be an
15 agenda.

16 Can you just describe for me what you see
17 here?

18 A I see that I was probably in the meeting.

19 Again, this was during the period of time
20 Nakeba had just come on board and she was being
21 introduced to the GNETS directors. The work was
22 starting. So I think it was probably a session
23 where we looked at, as the agenda indicates, review
24 for the current strategic plan, review the draft
25 rubric for the standards of practice, review the DOJ

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1 recommendations, and then we looked -- started
2 looking at some work groups to update the strategic
3 plan components.

4 I really don't recall the meeting but I
5 was probably there.

6 Q And it does list here in the work session
7 agenda, under Committee Roles and Responsibilities,
8 that you were the coordinator?

9 A I probably introduced the meeting. Again,
10 it was -- at that point in time Nakeba had only been
11 on board a week or -- you know, a couple weeks. I
12 can't remember exactly. But she was really new to
13 the work and new to the people, and I attended
14 several meetings with her initially to try to get
15 her familiar with the directors, then familiar with
16 her, and be kind of a transition person.

17 Q And I do want to ask you, one of the
18 agenda items that you read earlier said "review DOJ
19 recommendations."

20 Is this in reference to DOJ's letter of
21 findings?

22 A I don't recall. I think it's possible it
23 was.

24 Q Why would the DOJ recommendations have
25 been relevant to the -- to this meeting about the

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1 strategic plan?

2 A Well, I think the DOJ letter outlined some
3 areas of needed improvement, and I think making sure
4 if the strategic plan addressed those areas or if
5 they were considered to be valid would be important
6 in the revision of the strategic plan.

7 Q I'll stop sharing this document.

8 I'm going to return to a document that was
9 previously marked during today's deposition as
10 Plaintiff's Exhibit 290.

11 This was a February 8, 2016 email that Ms.
12 Rahming had sent to the --

13 A Right.

14 Q -- same individuals on that last email
15 chain about the draft strategic plan.

16 I'd like to just read through the email
17 and ask you some questions about what she's
18 discussing here.

19 She says: "I am attempting to make it" --
20 do you understand "it" to be in reference to the
21 strategic plan?

22 A Yes.

23 Q "I'm attempting to make it an inclusive
24 document so that you will not need to have multiple
25 pieces of documents outlining the same work."

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1 She then says: "I also incorporated the
2 rating scale so we do not need to development second
3 document. Debbie and I spoke on Friday and she
4 supports us with moving away from the GCIMP and
5 incorporating those items into the strategic plan."

6 What was the GCIMP?

7 A The Georgia Continuous Improvement -- what
8 does the M stand for? Monitoring progress.

9 All local systems were required to
10 complete that monitoring assessment. We had the
11 GNETS completing it as other local school districts
12 were but it really did not -- it didn't match. It
13 wasn't a good match, because there were many things
14 that were different about GNETS that were different
15 from a local school system.

16 So it was really saying, let's come up
17 with a better monitoring process system that meets
18 the needs of GNETS.

19 The one size fits all is not working here.

20 Q Then Ms. Rahming goes on to say: "We also
21 spoke about the core array of services application
22 for funding and she indicated" -- do you understand
23 "she" to be referring to you?

24 A It must be, yes.

25 Q -- "and she indicated that if we can show

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1 where the core array of services would be addressed
2 and incorporated into the strategic plan with
3 evidence of implementation to support the
4 distribution of funding, she would be fine with
5 dismissing that document as well."

6 What were the core array of services?

7 MS. JOHNSON: Objection.

8 You can answer.

9 A I have vague remembrance of some specific
10 services that each GNETS program was to provide, and
11 we had some additional funding that they could apply
12 for to implement those services.

13 I'm very fuzzy on that, though.

14 Q So it appears what you're saying here is
15 that if, if those services are addressed and
16 incorporated into the plan, there would no longer be
17 a need for that separate --

18 A Yes.

19 Q -- documentation?

20 A Yes.

21 Q I'm scrolling down to this first
22 attachment that I previewed before. It's titled,
23 "GNETS Program Strategic Plan Draft No. 1," and do
24 you see here it says dated February 5th, 2016?

25 A Yes, I do.

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1 Q Do you have a general sense of how long it
2 took to -- for Ms. Rahming and --

3 MS. HAMILTON: Scratch that. Let me start
4 over.

5 BY MR. HOLKINS:

6 Q How long did it take for Ms. Rahming and
7 the committee to finalize the strategic plan?

8 A I don't remember. I don't recall.

9 Q Were there -- was there more than one
10 draft?

11 A I don't recall.

12 Q I just want to do a quick check. Do you
13 need a break, Ms. Gay?

14 A Five minutes would be nice.

15 MS. HAMILTON: Why don't we take a break off
16 the record?

17 THE VIDEOGRAPHER: Off the record at 2:48 p.m.

18 (A recess was taken.)

19 THE VIDEOGRAPHER: We're back on the record at
20 3:10 p.m.

21 BY MS. HAMILTON:

22 Q Ms. Gay, I know earlier we discussed that
23 in your work over the years you have gained
24 experience addressing issues related to therapeutic
25 and mental health services for students with

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1 disabilities; is that correct?

2 A Yes, it is.

3 Q In those years of experience, have you
4 developed views on providing access to mental health
5 and therapeutic services to students with
6 disabilities in schools?

7 MS. JOHNSON: Objection.

8 You can answer.

9 A During my 40 years working in special
10 education, I have seen it be better, I've seen it be
11 worse. I do think there are many students in
12 schools who require mental health services.

13 How that happens I don't have a magic
14 solution for, but I think that collaboration across
15 agencies in order to do that is when -- a good way
16 to think about it.

17 Q You mentioned earlier that you felt it was
18 important for Ms. Rahming to develop relationships
19 with other agencies like DBHDD relating to the
20 provision of therapeutic services for students in
21 GNETS. Is that correct?

22 A Yes.

23 Q Was it important for Ms. Rahming to also
24 begin looking at developing a service delivery model
25 for GNETS therapeutic supports and services in her

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1 role?

2 A I think it was important for her to
3 understand what was in place and what training had
4 been done. So I think that would be a starting
5 point.

6 I think understanding needs from the
7 different program directors of what they needed to
8 implement the IEPs is important.

9 I'm sorry, I don't remember the last part
10 of your question. Or did I answer it?

11 Q Pretty much. I was just trying to better
12 understand in Ms. Rahming's role what her
13 responsibilities would have been in developing a
14 service delivery model for GNETS therapeutic support
15 services?

16 A I would say in her realm of
17 responsibilities, it was important to understand
18 what the needs of each program were and to try to
19 work with those directors to meet those needs.

20 Q We have discussed interagency
21 collaboration quite a bit today. What was the IDT,
22 or the Georgia Interagency Directors Team?

23 A I'm going to think for a minute.

24 Q Sure.

25 A I don't remember when it was established.

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1 It was several years in my tenure here, but there
2 was -- I might have been the chair of the IDT one
3 round.

4 I can't remember, but we did meet monthly
5 or quarterly, and the different agencies sent
6 representatives to that meeting to talk about really
7 what was going on within each agency and trying to
8 find bridges of collaboration.

9 I will say I don't think a huge amount of
10 work came out of that that directly impacted
11 students. I think that relationships were built
12 with individuals across agencies, which allowed you
13 to pick up the phone and call somebody and know them
14 if you needed to contact another agency about an
15 issue.

16 And I don't know how long it existed. It
17 started off very strong, but as -- sometimes as
18 things like that go, as different agency heads
19 change, the support for that kind of work wanes.

20 Q Thank you.

21 I'd like to talk about a few specific IDT
22 meetings, and I'll actually show you the notes from
23 those particular meetings.

24 MS. HAMILTON: I'd like for the court reporter
25 to mark this next document as Plaintiff's Exhibit

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1 293.

2 (WHEREUPON, Plaintiff's Exhibit-293 was
3 marked for identification.)

4 BY MS. HAMILTON:

5 Q This was an August 10, 2015 email from
6 Jana, or Jana, Pruett, to a number of individuals,
7 and I'll note that, Ms. Gay, you're among the list
8 of people that received this email.

9 The Bates number -- beginning Bates number
10 is GA00399459, and this document does have two
11 attachments.

12 I'm just going to scroll down so you can
13 see this cover email first.

14 Let me know when you finish reviewing the
15 cover email.

16 (Witness reviews exhibit.)

17 A I'm finished.

18 Q And do you see here the email says: "Good
19 afternoon. Please see the Agenda for this week's
20 meeting as well as notes from the meeting last month
21 attached"?

22 A Yes.

23 Q And so if would this be an email that was
24 sent in August 2015, last month would have been
25 July 2015? Is that correct?

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1 A I would assume so, yes.

2 Q Let's scroll down to look at the notes.

3 I'm going to give you control, Ms. Gay,
4 just to skim through these meeting notes.

5 It's a few pages. Like I say, we'll walk
6 through it so you don't have to read it letter by
7 letter, but I'll just give you a moment to refresh
8 your memory.

9 (Witness reviews exhibit.)

10 A Amazing how much you can forget. Okay.

11 Q So I'm going to return back to the top of
12 the meeting notes here. I'm going to take control
13 back.

14 A Okay.

15 Q And according to the meeting minutes, this
16 meeting occurred on July 22nd, 2015.

17 Do you see that here?

18 A Yes, I do.

19 Q There's also a list of attendees.
20 According to this attendee list, you were one of the
21 attendees?

22 A Yes, I was.

23 Q Was anyone else from the Department of
24 Education in attendance at this meeting?

25 A Let me look at the list.

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1 I'm not seeing anybody else. I don't
2 think.

3 Q Let me see if I can fix that for us.
4 There we go.

5 A No, I do not see anyone else.

6 Oh, there's Ginny O'Connell, okay.

7 Q Ginny O'Connell, this was the Ginny
8 O'Connell who was --

9 A Yes, yes.

10 Q I'm actually going to scroll down to the
11 second section very quickly, where it says, "History
12 and Tenure."

13 It says "Monica, Debbie and Christy."

14 Would the Debbie here have been you? Did
15 you make presentations at these meetings?

16 A Yes, I did on occasion.

17 Q Okay. And I want to scroll down. I'm
18 going to scroll down to Section VII that says
19 "Pressing Agency Updates."

20 And it looks like there's an update from
21 the Department of Education?

22 A Yes.

23 Q Was it common that the agencies would
24 report out different updates during these meetings?

25 A Yes. That was the main really purpose of

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1 the meetings. This is what's going on in our
2 agency, this is what's going on in our agency.

3 Q Okay. And then under DOE there is an
4 update here. It says: "DOJ has recently served a
5 complaint to DOE around equitable access to programs
6 for youth in GNETS programs - it's an opportunity to
7 bring some resources/services into the system."

8 Where it says "DOJ has recently served a
9 complaint to DOE," what would that have been in
10 reference to?

11 A I, I don't know. I mean I'm -- I don't
12 know. When you look at these notes, you have to
13 remember they're not recorded word for word. They
14 are somewhat recorded and I don't know if the word
15 "complaint" was even used.

16 I'm assuming it's about the letter that
17 was sent in July. That's to the best of my memory.

18 Q And there is also a statement here. It
19 says -- in reference to the complaint. It says:
20 "It's an opportunity to bring some
21 resources/services into the system."

22 Do you agree with this statement?

23 MS. JOHNSON: Objection.

24 You can answer.

25 A I think that everyone was aware of the

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1 situation with DOJ who was in that room already, and
2 we had some other -- we had some grant funded
3 programs, like Project Aware, that was trying to
4 bring some mental health services into the school,
5 and we were working also on the SAMHSA grant.

6 So I think in, in -- if you were going to
7 connect the work that needs to be done to address
8 concerns, it was an opportunity for us to
9 collaboratively try and bring some services into the
10 GNETS program.

11 And when I say an opportunity, I mean
12 sometimes heads of different agencies will respond
13 to a need that maybe they didn't see before.

14 Q I'm going to show you another document.

15 MS. HAMILTON: I'd like for the court reporter
16 to mark this as Plaintiff's Exhibit 294.

17 (WHEREUPON, Plaintiff's Exhibit-294 was
18 marked for identification.)

19 BY MS. HAMILTON:

20 Q This is another email from Jana Pruett to
21 several individuals who appear to be connected to
22 the IDT and you're listed among the recipients.

23 The email is dated August 23rd, 2016, and
24 the Bates number is GA00411441.

25 This document also has two attachments.

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1 I'll give you a moment to look at the
2 cover email here. Let me know when you've finished
3 reviewing it.

4 (Witness reviews exhibit.)

5 A I'm finished.

6 Q And the core email appears to just be
7 confirming a meeting date?

8 A Yes.

9 Q So I'm going to scroll to the meeting
10 agenda, which is the first attachment.

11 Actually, I'm going to scroll past that.
12 I'm going to look here at the second attachment. It
13 says, "IDT Meeting Notes, June 15, 2016."

14 Do you see that?

15 A Yes, I do.

16 Q We're going to focus on these notes.

17 Similar to before, I just want to give you
18 a moment to scroll through the notes, and I will
19 give you control.

20 Just let me know when you're ready.

21 (Witness reviews exhibit.)

22 A Okay. I think I'm okay.

23 Q I'm going to take control.

24 Starting with the beginning of the notes,
25 looking at the attendee list, were you in attendance

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1 at this IDT meeting?

2 A Yes, I was.

3 Q The meeting notes also indicate that there
4 was an invited speaker, Commissioner Frank Berry?

5 A Yes.

6 Q Do you remember what Commissioner Berry
7 shared during this particular meeting?

8 A I know that he was, I believe,
9 commissioner at DBHDD at that time. I think there
10 was a System of Care grant, that there was a lot
11 of -- input was needed for the interagencies to
12 receive that System of Care grant, and that was a
13 high topic of conversation.

14 I think he was invited to have some
15 further conversation about mental health needs for
16 children in Georgia.

17 Q Was he a regular attendee at these
18 meetings?

19 A No, he was not.

20 Q So under the section labeled CMOs, I want
21 to look at this last bullet point.

22 It says: "IDT will likely play an
23 important role in coming up with a comprehensive
24 plan for change to the GNETS program."

25 How would the IDT play an important role

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1 in developing a comprehensive plan to improve GNETS?

2 A I think the hope was with some services
3 from other agencies there would be more resources to
4 incorporate into the plan.

5 Q And what type of services?

6 A Community-based mental health, trained
7 licensed counselors coming into the schools,
8 providing therapy for children in the community,
9 even if it wasn't school-based. Family therapy
10 treatment.

11 DJJ was very vocal in these meetings and
12 there were children coming from GNETS going into
13 Juvenile Justice and back, which was always an
14 important conversation.

15 So I think that the hope was through this
16 interagency contact we would bring more support,
17 more services into the GNETS programs.

18 Q And you said "hope" a few times. Why did
19 you frame it that way?

20 A Um, well, as I said, there was always a
21 lot of conversation and good ideas, but actual steps
22 in moving the work forward were rarely formalized.

23 Q I want to scroll down to this next bullet
24 point.

25 Actually, one quick follow-up to that.

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1 The services that you named a moment ago,
2 from those other agencies, did you receive any of
3 those services during the time that you were
4 involved at the State Department of Education for
5 GNETS?

6 A There were some, some communities that, as
7 I think I said before, that were successful in
8 working with their community programs in terms of
9 bringing services into schools. It was not
10 consistent throughout the State.

11 And I think that some, some leverage from
12 the state agency could have supported that happening
13 in a more consistent way across the State.

14 Q And you say state agency. Is that the
15 State Department of Education?

16 A Not for mental health services.

17 Q Which agency?

18 A I would say DBHDD. I think this whole
19 System of Care grant that's referred to in here had
20 a lot of promise. I don't know if the System of
21 Care grant was ever funded. I don't know.

22 But we all had to -- the System of Care
23 grant had to have required partners to submit to the
24 Federal Government, and I know that the Department
25 of Education was one of the required partners.

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1 Q But you felt you did not have the support
2 that you needed?

3 A I don't know that I would say I didn't
4 feel like we had the support. I think -- there was
5 a lot of supported talk. I don't know if it ever
6 translated into action.

7 Q All right. Turning to this next bullet
8 point at the top of the screen, this first line
9 says: "It is important to figure out how to
10 encourage school systems to think that behavioral
11 health has a role in their children's education.
12 Several schools really like the idea and some really
13 resist the integration."

14 For this first sentence, why is it
15 important to encourage school systems to think that
16 behavioral health has a role in their children's
17 education, assuming you agree?

18 A You have to remember this is a much
19 broader conversation than GNETS. It was for all
20 children in the State, whether they're in special ed
21 or not.

22 Q Okay.

23 A System of Care grant was much more
24 comprehensive.

25 One of the barriers to having community

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1 mental health in schools were insurance, liability,
2 background checks. So there were barriers for
3 having people from other agencies come into the
4 schools.

5 And, again, I'm not just talking about
6 GNETS programs, I'm talking about all schools.

7 Many LEAs were resistant and had policies
8 that would prohibit outside providers from coming
9 in. Some local school systems worked through those
10 barriers and some did not.

11 Of course, when you think about GNETS,
12 when LEAs is a fiscal agent and they're the ones
13 that have to hold the liability insurance and the
14 building insurance, that could become a barrier for
15 GNETS at the local level.

16 And that was not an uncommon -- in those
17 days -- again, this was, you know, seven years ago.
18 Those attitudes about things could have changed
19 since then.

20 Q To the extent that those barriers existed,
21 and you had mentioned -- said insurance, liability
22 issues, background checks --

23 A Privacy issues, billing for Medicare.
24 Excuse me.

25 Thoughts are coming to me of things that

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1 were barriers. Medicaid, I mean.

2 Q I'm just curious if you can speak a little
3 bit more about what that entailed. So, for example,
4 if when you say there are insurance and liability
5 issues, what would that look like?

6 A If an outside provider came to X
7 elementary school and they fell down and broke their
8 leg in the hall, who's got responsibility?

9 There's also privacy concerns. Who's
10 going to handle the sign-off with the parents?

11 There were just a shopping list of issues
12 that many school districts were bringing forward
13 that were barriers.

14 Q You mentioned background checks?

15 A Background checks, if you had a clinician
16 coming into your school, the law really requires
17 that you do a background check on every employee.
18 So you're bringing in somebody who doesn't work for
19 the school system. Has there been a background
20 check? Do you know if this person is a felon?

21 Now, the agency -- there's way to work
22 through those because if the agencies can talk to
23 each other, you can figure out that maybe those
24 background checks have been done by the agency.

25 But there were some people who -- I mean

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1 some school systems that just drew a line. It's too
2 much, too much trouble, in my opinion, to work
3 through all those issues.

4 Q And you had mentioned billing and
5 Medicaid. How is that a barrier?

6 A Well, many children are eligible for
7 PeachCare or Medicaid, and those -- that would be
8 the billing structure to allow for clinicians to
9 bill for services. And, again, that's another piece
10 of administrative work that would have to be done by
11 somebody with permissions granted from parents,
12 releases signed.

13 So, really, administrative barriers, in my
14 opinion.

15 Q Based on what you were saying a moment
16 ago, it sounds like some school districts managed to
17 figure out how to get past those barriers --

18 A Yes, they did.

19 Q -- but many did not; is that correct?

20 A Uh-hum. (Affirmative.)

21 Yes, that is correct.

22 Q What steps could state agencies --

23 A Again, whether we're talking about the
24 Department of Education or DBHDD.

25 Q What steps could the Georgia State

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1 agencies have taken so that there could have been --
2 so that school districts could overcome the barriers
3 related to the insurance and liability issues?

4 MS. JOHNSON: Objection.

5 You can answer.

6 A Well, Georgia is a local control state.
7 So the local school boards and superintendents hold
8 a lot of the decision-making power.

9 Again, I think it's a function of being
10 able to collaborate, being able to come up with a
11 roadmap to get around those barriers. Who's going
12 to be responsible for it? Who's going to pay for
13 it? Who's going to manage releases if they're
14 needed.

15 So I think that state agencies would have
16 to make effort to provide, and I'll call it a
17 roadmap, of how a local school system could bring
18 community resources in.

19 I think in doing that, it would go a long
20 way, rather than just having services available to
21 kids in community, because many kids can't get to
22 those services.

23 Q And if the agencies had been able to
24 successfully collaborate to create this sort of
25 roadmap with guidance, would that have added a lot

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1 of the barriers you listed a moment ago?

2 MS. JOHNSON: Objection.

3 You can answer.

4 A I don't know the answer to that question.
5 I really don't. I don't know the answer to that
6 question.

7 Q Do you feel that it would have at least
8 begin the process of addressing some of the barriers
9 that you mentioned?

10 A It potentially could have. There were
11 lots -- IDT had a lot of agendas coming to that
12 meeting, too. Education was not the only one.
13 There were System of Care. There was juvenile
14 Justice. There was college and university issues.

15 It was -- there were lots of things on the
16 table to get worked out, I'll just put it that way.

17 So, you know, could this group have done
18 something more? That's just very hard to say.

19 Q And just wrapping up with this document, I
20 want to finish with this bullet point.

21 The last sentence says: "Several schools
22 really like the idea and some really resist the
23 integration."

24 What's the reference where they say "some
25 really resist the integration"? What were they

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1 referring to?

2 MS. JOHNSON: Objection.

3 You can answer.

4 A I think what they were referring to are
5 the barriers I described, and integration is a term
6 I guess that would imply that they would allow
7 services to come in.

8 Q I'm going to stop sharing this document.

9 MS. HAMILTON: I'd like for the court reporter
10 to mark this next document as Plaintiff's Exhibit
11 295.

12 (WHEREUPON, Plaintiff's Exhibit-295 was
13 marked for identification.)

14 MS. JOHNSON: This is a June 2016 email chain
15 between Nakeba Rahming, Deborah Gay, and, I'll
16 scroll down, but some other individuals as well.

17 I do want to note for the record the Bates
18 number is GA004092236.

19 BY MS. HAMILTON:

20 Q Ms. Gay, I'll give you control so you can
21 scroll through this document.

22 It probably makes sense to start from the
23 bottom.

24 A Okay.

25 (Witness reviews exhibit.)

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1 A Okay. I think I know what this is about,
2 anyway.

3 Q Great. So just as context, I'll take
4 control.

5 So this initial email appears to be an
6 email from Jana Pruett to the IDT members?

7 A Uh-hum. (Affirmative.)

8 Q And then you respond to that email
9 directly to Ms. Pruett, and you say: "Jana please
10 add Nakeba Rahming as a member of the group."

11 Why did you reach out to Ms. Pruett to ask
12 her to add Ms. Rahming as a member of the group?

13 A Because she managed the email group.

14 Q Why did you want Ms. Rahming to be a
15 member of the group?

16 A Well, I felt like the discussions were
17 certainly relevant to the work she was trying to do
18 and it made sense to me that -- further down in the
19 email you'll see that there was some conversation
20 about should this grant be focused on SED kids or
21 all kids, and I felt like she had a lot of good
22 information to share about the work she was doing
23 with GNETS to the group.

24 Q I just want to scroll down to where that
25 is. Are you referring to No. 1 here?

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1 A Uh-hum. (Affirmative.)

2 The System of Care grant, that everybody
3 was working on.

4 Q It says: "What populations of children
5 and youth are being included in the plan/will be
6 contained in the SOC." SOC is System of Care?

7 A Uh-hum. (Affirmative.)

8 Q "SOC legislation only mandates that the
9 SOC serve children with SEDs."

10 What's SEDs?

11 A Severe emotional disturbance.

12 Q Jumping to this last sentence: "Does the
13 group want to move forward with a plan for all
14 children, or should it be limited to what is called
15 for by the SOC legislation?"

16 You felt Ms. Rahming would be able to
17 contribute to that discussion?

18 A Certainly.

19 Q Then a little later in the conversation
20 you note here: "Will fill you in on this.

21 Commissioner Berry spoke with the IDT and most of
22 his comments focused on GNETS. There is" -- well,
23 let me stop there.

24 This email is dated June 15, 2016,
25 correct?

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1 A Yes, that's the date on it. I don't know
2 who I sent it to.

3 Q Let me keep going through the chain.

4 So then after you sent that email, there's
5 another email here from Ms. Rahming to you, and it
6 says, "Ok Debbie. Thanks."

7 A Okay. I think that's when I was
8 explaining to Nakeba -- when I say there is a group,
9 I was talking about the IDT and that I thought it
10 would make sense for her to be on this planning
11 team, and that's when I sent the email to add her to
12 the IDT group.

13 Q And the meeting notes that we looked at a
14 moment ago, where we were discussing Commissioner
15 Berry being an invited guest, were from June 15,
16 2016, which is the same date here.

17 Seeing your note, does this remind you of
18 anything else that was discussed during that meeting
19 in connection with Commissioner Berry's comments --

20 A As I said, all of the agencies were aware
21 of the DOJ situation with GNETS, and Commissioner
22 Berry talked about it. I do not remember his
23 comments or what he said. I think he was talking
24 about need for more services for children in the
25 GNETS program, is my recollection.

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1 MS. HAMILTON: I'd like for the court reporter
2 to mark this next document as Plaintiff's Exhibit
3 296.

4 (WHEREUPON, Plaintiff's Exhibit-296 was
5 marked for identification.)

6 MS. JOHNSON: And this is an email from Deborah
7 Gay -- sorry. Let me make sure it's on the screen
8 so everyone can see it.

9 BY MS. HAMILTON:

10 Q This document that I'm now introducing as
11 Plaintiff's Exhibit 296, this is an email from
12 Deborah Gay, and just looking at who it's addressed
13 to here, it says "Dear IDT," but it appears to be a
14 list of people who may be members of IDT, and it was
15 sent on July 8, 2016.

16 Ms. Gay, I'll give you a moment just to
17 read the email.

18 (Witness reviews exhibit.)

19 A Yes. I really had to step away because
20 the IDT was taking -- we were having four-,
21 five-hour meetings once a month and I just could not
22 keep it on my plate. I needed to delegate those
23 responsibilities.

24 So Rebecca Blanton continued to go, and I
25 asked that Nakeba attend in my place, particularly

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1 if the System of Care grant was going to be focused
2 on the SED kids.

3 Q It looks like you stepped down as of July
4 8, 2016, is that correct, when this email was sent?

5 A That's the date on the email, yes.

6 Q You note here, about midway through the
7 email, you say: "Nakeba is on my team at the DOE
8 and will share the IDT updates and work directly
9 with me."

10 What did your communications look like
11 with Ms. Rahming about the IDT meetings after you
12 stepped down?

13 A I really can't remember. I don't recall.
14 I mean I'm sure that I had some conversations with
15 her. I'm sure that I tried to keep up with what's
16 going on.

17 There was a System of Care conference that
18 happened every summer, which I did attend during
19 that summer, but that's as much as I remember.

20 Q And is it your understanding Ms. Rahming
21 did participate in the IDT moving forward?

22 A As far as I know. I really don't know
23 what happened with the IDT after this summer.

24 Q Okay. I want to show you one more email
25 related to the IDT.

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1 MS. HAMILTON: I'd like for the court reporter
2 to mark this as Plaintiff's Exhibit 297.

3 (WHEREUPON, Plaintiff's Exhibit-297 was
4 marked for identification.)

5 MS. HAMILTON: And this is an email chain. Let
6 me scroll through.

7 The email chain with the subject "IDT SOC
8 Plan for students with SED," Rebecca Blanton
9 and Deborah Gay, in August of 2016.

10 For the record, the beginning Bates number
11 is GA00037361.

12 BY MS. HAMILTON:

13 Q I'll give you a moment to scroll through
14 this email.

15 (Witness reviews exhibit.)

16 A Okay.

17 Q I guess I'm just trying to get a better
18 sense of what Ms. Blanton was concerned about in her
19 email.

20 I'll scroll down here, where she says:
21 "My concern is they are excluding students with
22 developmental disabilities with co-occurring mental
23 health disorders, which would exclude most of the
24 GNETS students."

25 What was her concern?

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1 MS. JOHNSON: Objection.

2 You can answer.

3 A I think this was a work group for the
4 System of Care grant. I think they were trying to
5 decide which kids would be included in the target
6 population.

7 Rebecca's background was preschool early
8 education and she was also in charge of that Project
9 AWARE grant at the department.

10 She said she was concerned that they were
11 excluding children with developmental disabilities
12 with co-occurring mental health. I think when the
13 other groups, the other agencies talk about
14 developmental disabilities, they're thinking about
15 kids with cognitive impairment. I think Rebecca's
16 assumption is that would include most GNETS
17 students.

18 I did not agree with her assumption.
19 That's why I asked her about -- made a follow-up
20 comment.

21 Dan Crimmins, who I worked with a lot, we
22 had many joint projects together, and you can see in
23 my comment I wrote: "I would think very few GNETS
24 would be considered as having developmental
25 disabilities. I am concerned that a subgroup of

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1 students are excluded."

2 So I would be concerned if they were
3 excluding a subgroup of students who needed to be in
4 that, in that target population.

5 And then the last bullet is what Rebecca
6 was saying, that she and Dan Crimmins questioned
7 that.

8 Q Switching gears slightly, were you
9 familiar when you worked with the State Department
10 of Education with the phrase "interconnected systems
11 framework," or ISF?

12 A Well, I don't know that I knew it by that
13 term. Interconnected systems about children was
14 certainly a focus of the work at the department.

15 I'm not remembering that specific term
16 you're using.

17 Q Okay. I'm going to show you a document.

18 MS. HAMILTON: I'd like the court reporter to
19 mark this as Plaintiff's Exhibit 298.

20 (WHEREUPON, Plaintiff's Exhibit-298 was
21 marked for identification.)

22 BY MS. HAMILTON:

23 Q And this was an email from Deborah Gay to
24 Sandra DeMuth?

25 A Yes.

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1 Q On June 9, 2016, titled "Re:ISF Training
2 dates."

3 The beginning Bates number is GA00169861.

4 A Can I get to the bottom? Thank you.

5 Q You don't have control yet. I'll give you
6 control.

7 I'll give you a moment to review the
8 document.

9 (Witness reviews exhibit.)

10 A My memory is foggy on this. I'm thinking,
11 reading the email chain, that this was part of
12 something we were funding out of Project AWARE
13 perhaps.

14 And interconnected systems framework I
15 think -- it says there's an attachment -- has to do
16 with the marriage of behavioral strategies and
17 academic strategies, to the best of my recollection
18 about that.

19 Q Just kind of walking through these emails,
20 this initial email appears to be an email from
21 Rebecca Blanton to various individuals with
22 information about ISF training dates.

23 Is that what you see?

24 A Yes, yes. Again, Rebecca Blanton was over
25 Project AWARE, over that grant. That's why I'm

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1 assuming it must have been someone in connection
2 with that grant.

3 Q And then this next email is from you to
4 what appears to be several Department of Education
5 staff, and here in the second sentence you mention:
6 "We are working with the Apex project to bring this
7 into Georgia and it will create a great opportunity
8 for PBIS schools working with the Apex project."

9 What is Apex?

10 A I do not remember. I'm reading this and I
11 just don't remember.

12 The email is sent to the staff who did the
13 PBIS training. So it must have been some part of
14 that, but I don't remember specifically what it is.

15 Q Okay. And let's look at the next --
16 skipping down a little bit to the sentence that
17 says: "I am also copying Nakeba to attend and bring
18 some GNETS directs who are implementing in their
19 sites where community services are being provided in
20 the programs."

21 Why at the time do you think -- did you
22 think it would be beneficial for Ms. Rahming and the
23 GNETS directors to attend the training?

24 A Well, I'm having to kind of piece things
25 together to answer that question. I was thinking

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1 the Apex project had something to do with mental
2 health services, but I really don't remember.

3 But trying to make sure those GNETS
4 programs always had the opportunities that the other
5 school systems have.

6 Q And I know you said a moment ago, while
7 you said it was a little foggy, but you believe that
8 the ISF was likely in reference to the marriage of
9 behavioral -- let's see your exact words here.

10 A I probably said behavioral and academic,
11 or behavioral curriculum.

12 Q The marriage of behavioral strategies and
13 academic strategies.

14 Why would that have been important in the
15 school setting?

16 A Well, if you're working with students with
17 behavioral needs, it's important to understand the
18 strategies that are best used to address those areas
19 of difficulty, and also be able to have the
20 academics supported in tandem with those strategies.

21 For example, if you have a child with
22 behavioral issues who's really resistant to reading,
23 you would want to develop a specialized reading
24 program that that student could access successfully,
25 which may be very different than what you would

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1 typically do in a second grade class.

2 That's why the reason for small classes,
3 individualized instruction, to be able to do that.

4 Q And would the marriage of the behavioral
5 strategies and academic strategies benefit students
6 in a GNETS program?

7 A Yes.

8 Q Are you familiar with PBIS?

9 A Yes.

10 Q What is PBIS?

11 A Positive Behavioral Interventions and
12 Supports.

13 Q How did you first learn about it?

14 A I didn't know very much about it until I
15 came to work at the department, and it was being
16 grant funded out of the IDEA Part B grant. So I
17 learned about that at that time.

18 There was already a program manager over
19 PBIS and a whole team of trainers.

20 Georgia was an out -- did an outstanding
21 job of implementation throughout the state. We
22 worked with Heather -- I can't remember her last
23 name, that's terrible -- out of Florida, who was our
24 support and helped us develop strategic plans just
25 for the implementation of PBIS.

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1 But I think it was successful. The data
2 really reflected a decrease in behavioral issues for
3 the students where we had good implementation of the
4 project.

5 Q Did you work with anyone directly from the
6 U.S. Department of Education about Georgia's PBIS
7 program?

8 A Possibly. Attended the national PBIS
9 conferences several times, worked with George Sigur,
10 and some other I think national leaders in PBIS.
11 Whether or not they were part of the Department of
12 Education, I don't recall.

13 Q Did you work with Ruth Ryder in connection
14 with the PBIS in Georgia?

15 A I had a lot of connection with Ruth Ryder.
16 She was a great support to our state, and I think
17 that at some of the OSEP, we presented at some of
18 the OSEP conferences on our work with PBIS and they
19 had some roundtable -- and I think OSEP put those
20 on.

21 We went to Washington and they had like
22 roundtable, mini sessions where you go and learn
23 about different things all over the country.

24 It was Larry, Larry -- Larry Weiner? No.
25 That's the wrong name. He was at OSEP. The first

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1 name is Larry. I can't go past that.

2 But he was really the person in charge of
3 the professional learning grants out of OSEP.

4 Q Okay. Was Dr. Gary McGiboney involved
5 with the PBIS efforts in Georgia?

6 A He was very involved.

7 Q What was his role?

8 A Um, I think he came to the department and
9 did a lot of work around school safety. So when you
10 make the connection between school safety and PBIS,
11 he became a spokesperson for that, and I think many
12 people here in the department looked to him for
13 support for the PBIS program.

14 He spoke about it all around the State and
15 presented the data, the school safety data, which
16 was really the discipline data. And the differences
17 that you could see in a school that was implementing
18 PBIS with fidelity, their discipline data, as
19 compared to a school that was not.

20 Q How did the State provide support for PBIS
21 in the GNETS programs specifically?

22 A The State provided the funding for PBIS
23 training, which is available to any school district
24 or GNETS program. There's a state grant that
25 provides some money to the department for PBIS that

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1 I think happened the last two or three years I was
2 here, a pretty large grant. Plus we put IDEA funds
3 into that.

4 So any GNETS program that wanted to
5 participate had the opportunity to.

6 Q Were they required to participate in the
7 training?

8 A I don't believe so. That may have
9 changed, but we did not require anyone to come into
10 PBIS. It was -- our belief is if it was not
11 voluntary and the school was not behind it, then it
12 wasn't going to be successful.

13 Q I'll show you another email.

14 MS. HAMILTON: I'd like for the court reporter
15 to mark this as Plaintiff's Exhibit 299.

16 (WHEREUPON, Plaintiff's Exhibit-299 was
17 marked for identification.)

18 BY MS. HAMILTON:

19 Q This is an email from -- well, this is an
20 email chain from August 2016, between Deborah Gay,
21 Justin Hill, and Rebecca Blanton.

22 I'm just going to walk through a few
23 things in this email.

24 MS. HAMILTON: For the record, the Bates number
25 is GA00036663.

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1 BY MS. HAMILTON:

2 Q So just walking you through so you know
3 what's here, at the very bottom this appears to be
4 just a technical assistance center email --

5 A Okay.

6 Q -- that Rebecca Blanton received. So it
7 looks like just a general announcement.

8 And then there is an email from Rebecca
9 Blanton to Deborah Gay on August 12th, saying:
10 "Debbie, are you still going to the school mental
11 health conference? This is an invitation to attend
12 a preconference on ESSA and the Implications for
13 Schools regarding Mental Health. See below."

14 Then I'm just scrolling.

15 A That must have been the conference flyer
16 at the bottom.

17 Q Yes.

18 A Okay.

19 Q So this is an email that I want us to
20 focus on.

21 So you responded to Ms. Blanton, said:
22 "No I am not going to attend - but would really
23 appreciate you gathering the information and sharing
24 when you return. Would you see if Justin is here
25 and can be on the APEX call with you - we need to

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1 get the PBIS team integrated in this work
2 particularly around the Interconnected School
3 Framework."

4 The Justin that's referenced here, earlier
5 --

6 A Is Justin Hill.

7 Q And just to clarify, this is the person
8 you referred to earlier who had the program
9 manager -- program manager role related to PBIS?

10 A Yes.

11 Q So there's this reference here to the PBIS
12 team being integrated and here it's interconnected
13 school framework.

14 Does this provide any additional context
15 for why PBIS and this interconnected --

16 A As I did -- slowly coming back to me. I
17 think this work we were doing around Project AWARE
18 was more from the mental health world than the
19 education world, and they were promoting what's
20 called the interconnected school framework.

21 So those schools that we had Project AWARE
22 in were being trained in this framework.

23 And then we had the PBIS world over here,
24 which was being funded more through the Department
25 of Education, with a very similar framework.

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1 I think we had -- it was like the worlds
2 were colliding with too much -- too many different
3 programs that needed to be sorted out so that we
4 weren't promoting things that were the same but were
5 called different labels.

6 Does that make sense?

7 Q That does, and I'm going to scroll to this
8 last email -- well, second-to-last email that you
9 sent to Justin Hill, where you say: "Great - I
10 think the potential for alignment using this
11 framework is great for the future work" -- I'm sorry
12 -- "it's great for the future work and having you on
13 the Apex calls with Rebecca" --

14 THE COURT REPORTER: Could you slow down?

15 Q I'll re-read this.

16 It says: "Great - I think the potential
17 for alignment using this framework is great for the
18 future work and having you on the APEX calls with
19 Rebecca going forward is important. As we talk
20 about sustainability for Project AWARE and APEX, the
21 alignment of tools with PBIS is essential."

22 Is this consistent with what you were
23 explaining a moment ago?

24 A Yes. And I think what happens when you
25 get a grant, you're bound by the philosophy of that

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1 grant and the training that they want to do. So
2 it's great to get money to do training, but because
3 this was a SAMHSA grant, it was coming from a very
4 different lens than the education grants with PBIS.

5 So I think -- what I was saying before, we
6 needed to get it aligned. We needed to get this
7 work aligned.

8 Q And I know you've mentioned Project AWARE
9 a few times during the deposition. What was Project
10 AWARE?

11 A Project AWARE had to do with mental health
12 services for children, is my recollection, because
13 it was a SAMHSA grant. I think we had demonstration
14 schools throughout the State, and Rebecca and Cheryl
15 Benefield, who was a local system PBIS
16 coordinator -- she eventually, I believe, came to
17 work at the department -- but Project AWARE was a
18 small grant, it was not expansive. And I think we
19 applied for the grant and got it because we wanted
20 to see a model to get mental health services into
21 schools.

22 I don't know what -- I don't know how long
23 the grant went on. I really don't know how
24 successful it was.

25 Q Do you remember if any of the GNETS

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1 programs benefited from Project AWARE?

2 A I do not.

3 MS. HAMILTON: I'd like for the court reporter
4 to mark this next document as Plaintiff's Exhibit
5 300.

6 (WHEREUPON, Plaintiff's Exhibit-300 was
7 marked for identification.)

8 BY MS. HAMILTON:

9 Q This is an email chain with -- that was
10 sent in February of 2017 with a number of people,
11 including yourself, but this last email was sent by
12 Garry McGiboney.

13 The beginning Bates number is GA00138373.

14 I just want to walk through these
15 questions. This is all one email.

16 A Okay.

17 Q But I want to walk through these questions
18 with you.

19 The subject of this email was "Senate
20 Budget Office."

21 Actually, I'll give you a moment to scroll
22 through to give you more context.

23 (Witness reviews exhibit.)

24 A Okay.

25 Q Would you say that it's accurate -- that

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1 it would be an accurate summary to say this is an
2 email where Mr. McGiboney is responding to questions
3 about PBIS that were posed by the Senate Budget
4 Office?

5 A Yes.

6 Q And then you see here this first question,
7 it's inquiring: "What is the difference between the
8 roles of the PBIS trainers at the Central Office and
9 the PBIS specialists at each RESA?"

10 Further down, it looks like after he's
11 explained the difference, he goes on to say --
12 starting here: "Currently the DOE is coaching both
13 the RESA School Climate Specialist and many times
14 the District Coordinator simultaneously and Tier 1
15 implementation due to limited capacity at the RESA
16 and the District."

17 Do you understand what he's referring to
18 here?

19 A Yes.

20 Q What was the issue?

21 A We were going to the legislature to ask
22 for additional state funds to support PBIS, and it's
23 a tiered implementation model. We had our main
24 trainers here at the department, and then there were
25 school climate specialists who worked with the

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1 schools, and then there were school level people who
2 were also coordinators.

3 So it's a tiered model of support and
4 supervision. And when they talk about Tier 1 and
5 Tier 2 implementation, Tier 1 is schoolwide, Tier 2
6 is classroom, Tier 3 is individual.

7 So Georgia was well on its way doing very
8 well with Tier 1, schoolwide. But we did not have
9 the funding and support to move to what's called
10 Tier 2, which is you put -- set up a little mini
11 PBIS system in your classroom.

12 And then Tier 3 is when you have a student
13 that's not responding to schoolwide or classroom,
14 you set up an individual plan for that student.

15 So when you think about the tiers,
16 certainly in reference to GNETS, schoolwide is good.
17 That gives everybody a consistent framework.
18 Classroom is good, but then you're really getting
19 down to the individual student level when you're
20 working with students with IEPs and emotionally
21 disturbed -- behavioral issues.

22 Q Then you said a moment ago that this was
23 in connection with funding. This next sentence
24 says: "DOE has limited capacity to move beyond Tier
25 1 in 50% of LEAs and GNETS."

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1 What was the issue here?

2 A Because you need more trainers in order to
3 do that Tier 2 and Tier 3 training, and we were just
4 tip-toeing into Tier 2 when, when I left. I don't
5 know what's happened since then.

6 Q So this email was explaining why more
7 funding was needed?

8 A Uh-hum. Uh-hum.

9 Q Earlier in the deposition when we were
10 talking about Ms. Rahming's role as a state GNETS
11 director, one of the duties involved collaboration
12 with partners, internal and external partners.

13 A Yes.

14 Q One of those partners was colleges and
15 universities, correct?

16 A Yes.

17 Q The Georgia DOE also had a partnership
18 with Georgia State University, correct?

19 A Yes.

20 Q What did that partnership entail?

21 A There were several partnerships. One was
22 data collection around student health survey. I
23 think that was completed -- that was in Dr.
24 McGiboney's shop. It was done annually, and GSU
25 really drilled that data down.

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1 We had -- I'm trying to think. We had a
2 partnership with Dan Crimmins and his group around
3 support for programs in higher education, for
4 special ed students.

5 I think there was some work around PBIS
6 and data just in terms of a contract with their data
7 systems to help us with the -- working through all
8 the data from the PBIS programs, the schools, and
9 the local districts.

10 Yeah, I'm -- I think we had a -- we had a
11 contract where we paid someone to analyze all the
12 data and bring it back to us.

13 Q And which of any of those things that you
14 mentioned benefited the GNETS program?

15 MS. JOHNSON: Objection.

16 You can answer.

17 A As they would have benefited any special
18 education student in the state.

19 Q Were any of the initiatives in connection
20 with Georgia State specifically to support the GNETS
21 program that you remember?

22 A There may have been. I do not remember at
23 this time.

24 Q And are there any other mental health and
25 therapeutic initiatives that the State DOE supported

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1 for the GNETS programs specifically?

2 A I just need to think for a minute.

3 And you said initiatives that the DOE
4 supported with --

5 Q For GNETS specifically related to mental
6 health and therapeutic services.

7 A I think there was probably -- there were
8 probably some contracts for training. So
9 developmental therapy work was in conjunction with
10 the University of Georgia. I am thinking that the
11 individual GNETS programs, though, did that contract
12 rather than the State, to have their what was called
13 DTORF data analyzed.

14 That is all I recall at this time.

15 Q I do want to ask you about the data you
16 just referenced. Did you say DTORF?

17 A Yes.

18 Q Is that spelled D-T-O-R-F?

19 A I think so. It's been a long time since I
20 dealt with any of that, but it was the original --
21 the original model was developed by Mary Wood at the
22 University of Georgia, was called developmental
23 therapy, and there is an instrument where you
24 observe students in different categories, and then
25 they're at Stage I, Stage II, Stage III, Stage IV.

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1 And her work talked about therapeutic services to
2 provide to the child based on the stage that they
3 were at in developmental therapy.

4 Many of the GNETS programs continued to
5 embrace that work, and I think there was a grant at
6 the University of Georgia to allow GNETS programs to
7 send their data in and get it all analyzed, and then
8 they got reports back at the GNETS programs.

9 The purpose of having the data analyzed
10 and then reported back would be to show progress.

11 Q When you worked for the State DOE, did you
12 consider the DTORF assessment to meaningfully track
13 student outcomes?

14 MS. JOHNSON: Objection.

15 You can answer.

16 A I don't really have enough experience with
17 it to answer that question well. I never used that
18 program when I was working at GNETS as a director or
19 a teacher. I used it very early on but then it was
20 not -- we did not continue to use that model in my
21 GNETS program I worked in.

22 So I think some of the GNETS programs
23 really stuck with it, but I don't have a lot of
24 direct experience with it.

25 Q Based on your experience serving students

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1 with disabilities, including students with EBD over
2 the years, what services do students who are at risk
3 of being placed in a GNETS program --

4 MS. HAMILTON: Let me rephrase that.

5 BY MS. HAMILTON:

6 Q Based on your prior experience serving
7 students with disabilities, including students with
8 EBD, what services do students who are at risk of
9 placement need so they would not need to be placed
10 in GNETS in the first place?

11 MS. JOHNSON: Objection.

12 You can answer.

13 A I would I guess disagree that they're at
14 risk. I think that, again, the IEP team has the
15 responsibility of looking at the needs of the
16 student, writing goals and objectives, and then
17 coming up with the placement in the least
18 restrictive environment.

19 Q Are there services that are provided --
20 again based on your experience serving this
21 population of students -- are there services being
22 provided in GNETS settings that could be provided to
23 those same students in regular general education
24 settings?

25 MS. JOHNSON: Objection.

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1 You can answer.

2 Q I guess to finish the question, so that
3 they can then be served in general education
4 settings?

5 MS. JOHNSON: Objection.

6 You can answer.

7 A I see the GNETS program as part of the
8 continuum. So that's a difficult question for me to
9 answer. Without the GNETS program, I do believe
10 children would be in more restrictive settings.

11 So are there services that could be
12 provided by the LEA, I think that's your question,
13 that could be more robust? You know, one has to
14 hope that the provision of FAPE is being implemented
15 based on the intensity, duration of frequency of
16 behavior of children, and that the services they
17 need are contemplated appropriately by the IEP team,
18 and those services are provided as designated by the
19 IEP.

20 Q I know earlier we had talked about how a
21 lot of the GNETS funds are provided through the
22 State funding formula; is that correct?

23 A Uh-hum. (Affirmative.)

24 Q Can state grant amendments be approved to
25 provide additional sources of funding for GNETS

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1 during the school year?

2 A Sometimes there is a mid-year adjustment
3 that provides additional dollars to state funded
4 programs. I don't know if it would be an amendment.
5 I'm not sure.

6 I don't know the right terminology to
7 describe what could happen. But I do know that when
8 the revenue is good that a mid-year adjustment can
9 occur, and sometimes that means the flow of
10 additional state dollars for state programs.

11 MS. HAMILTON: I'd like for the court reporter
12 to mark the next document as Plaintiff's Exhibit 300
13 -- actually, correcting that for the record, as
14 Plaintiff's Exhibit 301.

15 (WHEREUPON, Plaintiff's Exhibit-301 was
16 marked for identification.)

17 BY MS. HAMILTON:

18 Q I'm sharing this document on the screen.
19 It's an email from Nakeba Rahming to Deborah Gay,
20 dated December 19, 2016, and the subject is "Edits
21 to Board Item."

22 This exhibit has both a cover email and an
23 attachment. The attachment is -- I should say
24 attachments.

25 One of the attachments is an Excel

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1 spreadsheet.

2 MS. HAMILTON: I'm showing this but I'm not
3 actually going to be referencing it.

4 A Could I see the grant amendment page?

5 Q Sure. Did you already see the cover
6 email?

7 A Yes.

8 (Witness reviews exhibit.)

9 Q My questions are going to be pretty
10 general. So I'll walk you through it when you're
11 ready.

12 A I'm just trying to remember this Board
13 item. Okay.

14 Q I'm going to take control back.

15 Just going back up to the cover email
16 here, Ms. Rahming writes and she says, "I made edits
17 to the GNETS grant board item."

18 What exactly is a GNETS grant amendment?

19 A Whenever you have any expenditure from the
20 State, you create the document that's attached to
21 this, and it's the Board item, which has to go to
22 the Board for approval for the allocation of the
23 funds.

24 That's just standard practice for any
25 funds that come out of the State Department.

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1 As I look at this, GNETS got state funds
2 as well as federal funds. So I think what happened
3 was we probably gave some additional IDEA dollars,
4 and that's what was the \$156,000, was added on, and
5 then distributed for the purposes described in the
6 Board item.

7 Q And just to confirm, I'm going to scroll
8 down to the Board item, where it says Summary here.

9 Is it accurate to say, consistent with
10 what this says here, the purpose of this grant
11 amendment was to amend the GNETS fiscal agents' FY17
12 Special Education Federal Allocation to include
13 funding to cover the cost of providing teachers with
14 diagnostic data and instructional materials that
15 will be used to remediate identified academic and
16 behavioral weaknesses for students in GNETS
17 programs"?

18 A Yes. So these were federal funds. These
19 were not state funds. So additional state funds
20 were not provided.

21 Q Okay.

22 A But we took some federal dollars and added
23 them to the allocation that -- I mean GNETS programs
24 always got federal dollars, too, because you had to
25 provide those federal funds as you would for any

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1 special education student to the fiscal agent.

2 Q Okay. So you were able to use additional
3 federal --

4 A We found some additional IDEA funds
5 because more resources were needed, as stated in the
6 purpose in the Board item.

7 Q Thank you.

8 MS. HAMILTON: I'd like for the court reporter
9 to mark this next document as Plaintiff's Exhibit
10 302.

11 (WHEREUPON, Plaintiff's Exhibit-302 was
12 marked for identification.)

13 BY MS. HAMILTON:

14 Q This is an email chain between Ms.
15 Rahming, Deborah Gay, and Amber McCollum?

16 A Yes.

17 Q Looks like Ms. Smith-Dixon -- Dr.
18 Smith-Dixon was also copied.

19 And the beginning Bates number is
20 GA00019237.

21 Ms. Gay, I'm going to give you control to
22 review this, and let me know when you've finished.

23 (Witness reviews exhibit.)

24 A Okay.

25 Q What was the issue that you all were

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1 trying to resolve in this email?

2 A The GNETS program in Bibb County, which is
3 Macon, had a greenhouse, and it looks like there was
4 some damage done to the greenhouse.

5 The big question was, if you're going to
6 use federal funds, is it allowable to repair the
7 greenhouse? And I think the conversation back and
8 forth is was this instruction? Is it the sensory
9 garden? You know, is it really allowable?

10 And I think as I'm reading through the
11 emails, it looks like we approved it on a one-time
12 occurrence but it could not be approved in budgets
13 future forward. I think they provided evidence that
14 it was part of their instructional program, their
15 horticulture program. So we went ahead and allowed
16 the budget to fund it.

17 Q And there's a point here where you have
18 responded and you said: "Amber, what are your
19 thoughts? I'm very iffy on this."

20 A Right.

21 Q What was your concern?

22 A Amber is a wizard in understanding federal
23 dollars, and so that's what I say, when I'm reading
24 it, it looks like it's yard maintenance. You know,
25 I'm not sure if it's really an appropriate use of

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1 federal funds. So I deferred to Amber and asked her
2 to do a little more digging and find out kind of
3 what her take on it was. And as you go through the
4 email, she eventually said I think we can do it on a
5 one-time thing, if it's for instruction.

6 Q It says here Amber McCollum was the
7 Budgets and Grants Program Manager?

8 A Yes.

9 Q So whenever questions arose about whether
10 funding was appropriate for specific GNETS programs,
11 were those questions often directed to you?

12 A Not always. Just if there was an unusual
13 circumstance about this.

14 Amber approved all the budgets for all the
15 LEAs, all the GNETS programs. Huge job. So there
16 were really two. Monique, who is mentioned in this
17 email, was the other budget person working under
18 Amber. We had to get a second person because Amber
19 could not do it all.

20 So if a question came up that she
21 really -- you know, that somebody really had a
22 question about, sometimes they would come to me.

23 You notice Zelfhine is also copied on it.
24 So I think this again was part of when we were
25 transitioning and I was going to a new role. So we

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1 were all kind of in the loop in discussing it.

2 Q And how much flexibility did you all have
3 between determining whether to use state funds
4 versus federal funds in response to specific needs
5 of the programs?

6 A There's guidance for the use of funds for
7 both pots of money. The State -- the State grant
8 has specific things that it can be used for.
9 There's more flexibility with federal funds, but
10 they were really intended to be supplemental.

11 I mean the size of the federal grant is
12 much, much smaller than the State grant. So it gave
13 a little bit of those extra dollars that could be
14 used for IDEA allowable expenditures.

15 Q I'm going to stop sharing this document.

16 I'd like to now talk with you about
17 facilities. I know earlier you had mentioned that
18 Mike Rowland had played a role in conducting some of
19 the State DOE's facility reviews.

20 What was your role during that time period
21 in connection with the facilities reviews?

22 A Um, I would -- I talked with Mike Rowland,
23 but I did not go out on any of the facility visits.

24 I think Ginny O'Connell went on some.
25 Stacey may have gone. I can't remember. Different

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1 people went.

2 I, you know, checked in with Mike to see
3 how it was going, what he was finding, but that was
4 really the extent of my work with those facilities.

5 MS. HAMILTON: I'd like for the court reporter
6 to mark this next document as Plaintiff's Exhibit
7 303.

8 (WHEREUPON, Plaintiff's Exhibit-303 was
9 marked for identification.)

10 BY MS. HAMILTON:

11 Q This was an email from Michael Rowland on
12 December 1st, 2015, to Ted Beck, but there are also
13 a few other individuals copied, including Deborah
14 Gay, Clara Keith, and it looks like three other --
15 other individuals. The subject is GNETS update.

16 And there are some attachments, but we're
17 only going to focus on the cover email here.

18 A Okay.

19 Q I'll give you a moment just to skim
20 through this cover email.

21 MS. HAMILTON: For the record, the Bates number
22 is GA00402776.

23 (Witness reviews exhibit.)

24 A Okay.

25 Q So in this email, would you say that it's

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1 accurate to say that Michael Rowland was providing
2 Ted Beck with an update on planning in connection
3 with the GNETS facilities?

4 A Yes.

5 Q And midway through this email he mentions
6 some additional tasks that you and Clara Keith were
7 working on?

8 A Uh-hum. (Affirmative.)

9 Q What were those tasks?

10 A I don't remember any more specifics than
11 what's in the email. That we were to look at the
12 application to be used to award the facilities.

13 I don't really have a lot of remembrance
14 about this.

15 Q Okay. What were the facilities grant
16 awards that he was referring to?

17 MS. JOHNSON: Objection.

18 You can answer.

19 A I don't remember. I know that there were
20 some -- there were some dollars that were found to
21 help these facilities that needed some additional
22 repair, and I think that's why Ted Beck -- the email
23 was to Ted.

24 Q I'm going to stop sharing this document.

25 MS. HAMILTON: I'd like for the court reporter

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1 to mark this next document as Plaintiff's Exhibit
2 304.

3 (WHEREUPON, Plaintiff's Exhibit-304 was
4 marked for identification.)

5 BY MS. HAMILTON:

6 Q This is an email chain from February 2016,
7 and I -- it's not clear from just looking at the
8 subject line and the to/from line if you were on
9 these emails.

10 So mainly I just want you to look at the
11 content of the emails.

12 A Okay.

13 MS. HAMILTON: The Bates number is GA00040756.

14 BY MS. HAMILTON:

15 Q I just want you to look at this initial
16 email that Ms. Rahming sent, and it says: "Hello
17 Directors, Debbie and I wanted to follow up with you
18 on the progress of your attempts to address some of
19 the concerns that were highlighted in the Facility
20 Condition Assessment Checklist."

21 Do you remember what Facility Condition
22 Assessment Checklist Ms. Rahming would have been
23 referring to?

24 A No. My best guess is it's something that
25 came out of Mike Rowland's office. And it looks to

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1 me this was an email to the GNET directors to follow
2 up with how things were going with their facilities
3 and the fiscal agents.

4 Q In the last sentence -- well, in the
5 second-to-last sentence she says: "If you were able
6 to work with your fiscal agents to have these
7 concerns addressed, please let us know." But then
8 she goes on to say: "If not, please contact us and
9 we will be happy to provide you with the support
10 necessary to have those concerns addressed."

11 Would you have been involved directly with
12 providing the support that she's referring to?

13 A Possibly. I mean it would depend on what
14 it is, what it was. This was early on in Nakeba's
15 tenure here. So I think I was still included in
16 most of the communications about the GNETS and the
17 GNETS directors.

18 Q Did you find that when there were unique
19 or complicated issues that would arise related to
20 facilities or funding that Ms. Rahming would reach
21 out to you for advice?

22 A I don't recall any specific instances
23 about that. There may have been but I don't recall
24 any.

25 MS. HAMILTON: I'd like for the court reporter

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1 to mark this next document as Plaintiff's Exhibit
2 305.

3 (WHEREUPON, Plaintiff's Exhibit-305 was
4 marked for identification.)

5 BY MS. HAMILTON:

6 Q This was the -- the initial email here was
7 July 2016 email from Nakeba Rahming to Deborah Gay,
8 and Matt Jones was copied. The subject was:
9 "Forward:GNETS of Ocone Update."

10 MS. HAMILTON: And the beginning Bates number
11 is GA00411300.

12 BY MS. HAMILTON:

13 Q There are attachments to this document,
14 and I primarily want to focus on the cover email,
15 but if you need to to scroll through to look at the
16 others, that is fine. But I want to give you a
17 moment to read this cover email first.

18 (Witness reviews exhibit.)

19 Q I can give you control if you want to
20 briefly skim through just to get a bigger picture of
21 the context.

22 A Okay.

23 Q I'm going to take control.

24 So in this, in this email at the top of
25 the screen, Ms. Rahming had reached out to you for

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1 assistance in responding to the funding request for
2 GNETS of Oconee.

3 What was the nature of the request based
4 on the information here? What was the nature of the
5 request of GNETS of Oconee?

6 A My remembrance is they were no longer
7 going to have a centralized location. That no
8 school district could provide them with space after
9 the space the program was in was -- I think I'm
10 remembering it was deemed as not a suitable
11 location.

12 So the decision with the local school
13 superintendents -- and Hayward was a RESA director.
14 So he -- Oconee GNETS fiscal agent was a RESA. So
15 he pulled together his local school superintendents
16 and said this is how many children we need to serve,
17 and they came up with the plan which is attached, to
18 have those children served in classrooms in
19 buildings of their local school systems.

20 I remember this situation. I do not
21 remember -- I think the plan was implemented. I
22 don't recall any additional funding being provided,
23 although it could have been.

24 Q When Ms. Rahming says, "Since Oconee won't
25 need to pay rent anymore maybe the funds could go

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1 toward the request," what was she referring to
2 there?

3 MS. JOHNSON: Objection.

4 You can answer.

5 A When a GNETS program did not have space
6 provided by the local school system, they had to pay
7 rent, they had to pay utilities. So since there was
8 -- there was not a building for them to rent
9 anymore, that portion of their grant would not be
10 used for facilities.

11 So I think what Nakeba was saying is
12 what -- could they use those dollars to hire extra
13 staff to provide support to students who were now
14 going to be disbursed into these schools.

15 Q Okay. And just scrolling down to Dr.
16 Hayward Cordy's email, is it correct -- it looks
17 like he says he's with the Oconee RESA; is that
18 correct?

19 A He was the director of the Oconee RESA.

20 Q And he was saying at the very end: "We
21 look forward to hearing back from you soon in regard
22 to approval of our Transition Plan and request for
23 additional resources needed to provide all students
24 therapeutic support."

25 Is it your understanding from this email

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1 chain that the program wanted to use those funds to
2 both support their proposals in the transition plan
3 and provide additional resources for therapeutic
4 supports?

5 A I don't know. You'll note I was not
6 included in this email chain. It went back to the
7 State Board, and the State Board members who were
8 working with the program. So I do not know what
9 happened.

10 Q Based on what the request, though, that
11 the GNETS director was making to the State Board, is
12 that what the request is listed here?

13 A The RESA director --

14 Q The RESA director.

15 A -- was making the request.

16 I think what he's saying is they needed
17 more dollars to provide support because their
18 support systems were being disbursed.

19 MS. HAMILTON: I'd like for the court reporter
20 to mark this next document as Plaintiff's Exhibit
21 306.

22 (WHEREUPON, Plaintiff's Exhibit-306 was
23 marked for identification.)

24 MS. JOHNSON: This is an email chain between
25 Deborah Gay and Nakeba Rahming from July 29, 2016,

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1 and the beginning Bates number is 00411328.

2 BY MS. HAMILTON:

3 Q Ms. Gay, I'll give you control so you can
4 read this as well.

5 A Okay.

6 (Witness reviews exhibit.)

7 A Okay.

8 Q So based on this email chain, how, how did
9 this issue with the GNETS of Oconee --

10 MS. HAMILTON: I'm sorry. Let me reframe that.

11 BY MS. HAMILTON:

12 Q Based on this email chain, what update did
13 Ms. Rahming provide you?

14 A She said that -- if you think back to the
15 last email chain, that there probably would be some
16 extra money because they would be saving dollars.

17 In this email she let's me know that there
18 were \$76,000 in maintenance fees and that would be
19 re-allocated to assist someone in therapeutic
20 supports.

21 I was just saying great, problem solved.
22 It looks like there was some extra money.

23 Q So by the GNETS of Oconee program not
24 having to put this money toward maintenance fees,
25 they were able to redirect it --

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1 A Yes.

2 Q -- toward providing therapeutic supports?

3 A Yes. And again you see Amber McCollum is
4 in the email and she was going to work with them to
5 do a budget revision to move those funds from
6 facilities to staff.

7 Q Would this be true in other instances, if
8 a GNETS program closed a facility, could those funds
9 be redirected for further purposes?

10 MS. JOHNSON: Objection.

11 You can answer.

12 A A budget can always be revised based on
13 the needs of the program.

14 Q Earlier in the deposition you had
15 mentioned that several of the State Board of
16 Education members had taken an interest in GNETS
17 when you worked for the Department of Education. Is
18 that correct?

19 A State Board members were I think
20 interested in all the different parts of education,
21 and many of them had questions about many different
22 things.

23 Q Were there any board members in particular
24 who reached out to you about issues related to
25 GNETS?

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1 A The only one that I can remember is Larry
2 Winter.

3 Q And what was the nature of the concerns
4 that he would bring to you or questions?

5 A He had a -- he had an ongoing interest in
6 special education. So it was not unusual when we
7 submitted our state improvement plan, he would have
8 questions about it.

9 So he was, he was interested in the GNETS
10 situation and asked questions.

11 Q Did you feel that his questions and
12 concerns represented the general questions and
13 concerns of the full Board, or just his individual
14 questions?

15 MS. JOHNSON: Objection.

16 You can answer.

17 A I think, I think they were - may have been
18 representing the Board. I don't know.

19 MS. HAMILTON: I'd like for the court reporter
20 to mark this next document as Plaintiff's Exhibit
21 307.

22 (WHEREUPON, Plaintiff's Exhibit-307 was
23 marked for identification.)

24 BY MS. HAMILTON:

25 Q There are a few emails in this chain.

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1 A Okay.

2 Q But I'll just start by saying the Bates
3 number for this beginning ID -- sorry. The
4 beginning doc ID is GA00038177.

5 And working backwards, you'll see that
6 there is an email here from Deborah Gay to Larry
7 Winter, copying Ms. Rahming, Dr. Smith-Dixon, Matt
8 Jones, and Craig Geers.

9 And then there's a follow-up -- and the
10 subject is "Follow up From budget committee."

11 A Okay.

12 Q And then the follow-up email is an email
13 that you sent where you say: "Mr. Winter has not
14 responded to my email. Please put the folder with
15 the hard copy of the email at Mr. Winters place at
16 the board meeting table."

17 And this last email, it says -- it has Dr.
18 Smith-Dixon writing you saying, "Will do."

19 A Okay.

20 Q I'm going to focus primarily on this first
21 email, and I'm going to give you control so that you
22 can scroll through.

23 A Okay.

24 Q Let me know when you finish reviewing it.

25 A Okay.

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1 (Witness reviews exhibit.)

2 A Okay.

3 Q I'm going to take control back.

4 Why were you writing to Larry Winter in
5 this email?

6 A As I think I described earlier, before
7 every board meeting there were committee meetings,
8 and if you had any kind of an allocation you were
9 going to make, you had that Board item, which you
10 took and presented to the representatives from the
11 Board who were on the Budget Committee.

12 Mr. Winter consistently served on the
13 Budget Committee, with different -- other members of
14 the State Board.

15 Sometimes, really because of lack of time,
16 or I needed to do some more research, he might ask
17 me a question in the Budget Committee meeting, and I
18 would need to follow up with him.

19 And I think I asked Zelphine to put a copy
20 of my email in his folder because he had not
21 confirmed he had received my email, and I wanted to
22 make sure his questions were answered.

23 So he's talking about other special
24 education special projects and wanting assurance
25 that the GNETS directors were included in those

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1 initiatives.

2 So my email to him provides an explanation
3 of how they are included.

4 Q And it looks like, based on your
5 responses, you mention first here Youth Mental
6 Health First Aid. What was that?

7 A I think that training was provided through
8 their Project AWARE grant.

9 Q And in your email, just to make sure I
10 understand, are you assuring Mr. Winter that the
11 GNETS program is benefiting from this program?

12 A Yes. And the second one, the State
13 Personnel Development Grant, our initiative was to
14 improve graduation rates for students with
15 disabilities. So I provide an explanation of how
16 those GNETS directors are now included in the work
17 that's really coordinated by those GLRS directors
18 throughout the State.

19 Q What exactly -- what type of support was
20 being provided to the GNETS programs through this
21 grant?

22 I know a moment ago you said it was to
23 help improve graduation rates. What did that look
24 like?

25 A The grant itself had developed tools to

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1 help special education directors statewide look at
2 their graduation rates by disability area, by number
3 of segments that students were served in special
4 education, to try and better outcomes for students
5 with disabilities. The GNETS directors were
6 incorporated into that work.

7 These grants are five-year grants. So the
8 way that work was done in the state is each GLRS,
9 which you know has regional responsibility, would
10 bring those directors together, explain the tools,
11 show training to show how to improve the data
12 disaggregation, as well as some initiatives to put
13 in place to improve graduation rate.

14 The GNETS directs were pulled into that to
15 meet side-by-side with the special education
16 directors in their districts.

17 So they had access to look at
18 disaggregated data.

19 I think we started trying to understand
20 more about -- early this morning we talked about
21 graduation rates and how a lot of the GNETS students
22 data was reported back in their local districts. We
23 started helping us sort that out through this SPDG
24 grant, and I think provided probably a good
25 opportunity for conversation with the GNETS

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1 directors and the special ed directors for the LEAs
2 they served.

3 Q At the end here -- let's see. It says:
4 "The GNETS Directors participate in this work
5 regardless of their fiscal agent," and then it says,
6 "As a follow up we will work with Nakeba to examine
7 this closely to ensure the resources are used and
8 available in the GNETS Programs."

9 Did Mr. Winter have concerns that GNETS
10 programs for some reason weren't benefiting from
11 this?

12 A Probable --

13 MS. JOHNSON: Objection.

14 You can answer.

15 A Well, probably. He was asking questions
16 about other Board items that I had, where really
17 Zelfphine was taking it forward at that point, and I
18 think she deferred to me in the board meeting -- I
19 mean in the committee meeting, Budget Committee
20 meeting, to further answer his questions. Or he may
21 have directed the questions directly to me. I can't
22 remember.

23 But it was just assurance that other
24 statewide programs were being -- that GNETS were
25 being given access to those programs, to those grant

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1 funded programs, those initiatives. I should say
2 they were initiatives.

3 Q And in this last paragraph, the first
4 sentence, he says: "I share your concern that the
5 GNETS programs have equitable access to grant funded
6 resources available to students."

7 In make this statement, is this based on
8 your understanding, again, that you said earlier
9 that Mr. Winter did have concerns about equitable
10 access to grant funded resources for GNETS?

11 A Well, I think the questions themselves
12 communicated he had a concern. So that I think
13 probably was my impetus for writing that sentence.

14 Q I'd like to show you one more email in
15 connection with Mr. Winter.

16 MS. HAMILTON: I'd like for the court reporter
17 to mark this document as Plaintiff's Exhibit 308.

18 (WHEREUPON, Plaintiff's Exhibit-308 was
19 marked for identification.)

20 MS. JOHNSON: This is an email from Debbie
21 Caputo to Deborah Gay and Nakeba Rahming, and Larry
22 Winter is copied.

23 The Bates number is GA00408139, and this
24 email was sent in May of 2016 with the subject
25 "GNETS."

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1 BY MS. HAMILTON:

2 Q And then if you look at the way this email
3 was framed, it says from Larry Winter, and it says
4 "Debbie Caputo: Please forward to Debbie Gay and
5 Nakeba Rahming."

6 Do you see that?

7 A Uh-hum. (Affirmative.)

8 Q I want to give you a moment to read the
9 contents of this email.

10 (Witness reviews exhibit.)

11 A Okay. What's the date on this?

12 Thank you.

13 Q And do you see where it says May 2016?

14 A Yes, I do. Thank you.

15 Q How frequently did Mr. Winter send emails
16 to you about GNETS?

17 A Um, that's a hard question. I don't know
18 if I can really recall a number or a frequency.

19 Board members often reached out with any
20 questions they had, not just Mr. Winter but other
21 board members.

22 When I look at the date on this, I think
23 it was still fairly early in Nakeba's tenure, and I
24 don't remember answering all these questions.

25 Perhaps I did. But I would believe I think that

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1 probably Nakeba at this point was starting to really
2 be more responsive to the questions regarding the
3 GNETS programs.

4 Q And what was the nature of the questions
5 that Mr. Winter raised for you and Ms. Rahming?

6 A Well, it appears it was about the GNETS
7 strategic plan document. And there's a whole
8 variety of questions in here.

9 Q You don't have to go through all of them.
10 I guess you can just briefly explain, why would Mr.
11 Winter have been concerned -- or why would he have
12 had questions about the GNETS strategic plan that he
13 would have brought to you?

14 MS. JOHNSON: Objection.

15 You can answer.

16 A He frequently would review documents
17 pertaining to special education and have questions
18 about them, not just GNETS but anything with special
19 education.

20 As I said, it was a particular focus of
21 his, his questions, and a lot of it was, since he
22 was on the Budget Committee, a lot of it was around
23 dollars and allocation and accountability, methods
24 of ensuring compliance.

25 Q So in this instance, he was asking

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1 questions about the GNETS strategic plan, and would
2 that have been in connection with his role in the
3 Budget Committee?

4 MS. JOHNSON: Objection.

5 You can answer.

6 A I don't know. I don't know. I don't know
7 the prompt for all of this.

8 Q And he says here: "By way of preparation
9 for tomorrow's meeting."

10 Do you know what that meeting would have
11 been?

12 A I don't recall.

13 Q But it would not have been uncommon for
14 you to receive an email like this from Mr. Winter?

15 A No, it would not.

16 MS. HAMILTON: I'd like to take a five-minute
17 break.

18 THE VIDEOGRAPHER: Off the record at 5:20 p.m.

19 (A recess was taken.)

20 THE VIDEOGRAPHER: We're back on the record at
21 5:33 p.m.

22 BY MS. HAMILTON:

23 Q Ms. Gay, earlier during the deposition we
24 were talking about the GNETS strategic plan. Do you
25 remember that?

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1 A Yes.

2 Q And in connection with the strategic plan
3 you had mentioned that one of the goals was for
4 individual GNETS programs to be able to do their own
5 self-assessments of their -- sorry -- to do their
6 own self-assessments of their programs.

7 What did you mean by that?

8 A I have a recollection that a
9 self-assessment document was developed at some
10 point. I'm not remembering when.

11 For them to have a way to -- you got to
12 have a way to gather the data that you're going to
13 put in your strategic plan to plan for progress, and
14 I don't remember the timing of the sequence of when
15 that self-assessment was developed.

16 Q If I show you a copy of the
17 self-assessment, would that at least help you
18 remember what the general nature of the assessment
19 was?

20 A I can try.

21 Q Okay.

22 MS. HAMILTON: I'd like for the court reporter
23 to mark this next exhibit as Plaintiff's Exhibit
24 309.

25 (WHEREUPON, Plaintiff's Exhibit-309 was

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1 marked for identification.)

2 MS. JOHNSON: This is a copy of the GNETS
3 Strategic Plan & Self-Assessment that we received in
4 the State's production.

5 The beginning Bates number is GA00221 --
6 sorry -- 1993.

7 And this particular version is dated June
8 20th, 2016.

9 BY MS. HAMILTON:

10 Q I'm just going to give you a moment.
11 We're not going to spend a lot of time on this
12 document but just give you a moment to scroll
13 through it, if that helps you recall what the
14 self-assessment was.

15 (Witness reviews exhibit.)

16 A I think I'm okay with this. We can go
17 forward.

18 Q So what was the purpose of the
19 self-assessment?

20 And feel free to scroll --

21 A I think -- I think it was an initial tool
22 to assist GNET directors in moving through each
23 section of the strategic plan, if I'm remembering
24 correctly.

25 I think this was -- I think Nakeba

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1 developed this and I think it was an outcome of that
2 work, that there was a committee of GNETS directors
3 followed up by stakeholder, with some -- there were
4 some stakeholder meetings, and then there was some
5 -- there was a committee with the GNETS directors
6 that we talked about earlier who came together to
7 provide input into the development of this.

8 Q I actually want to look at the first --
9 the second page here with acknowledgments. And as
10 you just noted, the GNETS Strategic Plan Committee
11 was listed as being involved.

12 For other contributors, it also has you
13 listed here as well as Clara Keith and Sandra DeMuth
14 and the GNETS program directors. Correct?

15 A Yes.

16 Q So just taking a sample page here, this is
17 Page 7, second one, Program Leadership, this section
18 has a goal, and then there are also some action
19 items and other categories.

20 A Correct.

21 Q Are these goals that were set by the State
22 or by the individual GNETS programs?

23 A The goals are the same goals for all the
24 GNETS programs, and I believe the tool was developed
25 collaboratively.

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1 My role was probably to review it and
2 offer any input that I had upon its completion.

3 Q And to the extent that this is
4 self-assessment, are the programs rating themselves
5 in each of these categories?

6 A Yes. I believe that was the intent of the
7 tool.

8 Q And what was the expectation for how they
9 would use that information?

10 A Well, I think if you look at the activity
11 rating, Operational, Emerging, or Not Evident, that
12 you would propose improvement activities based on
13 your score.

14 So if you're operational, that means
15 you're doing it right. If you're emerging, you may
16 have to write some goals and strategies to help you
17 become operational. And if it's not evident, then
18 obviously there's a need to have some kind of
19 activity in your strategic plan to move that
20 forward.

21 Q And were these self-assessments shared
22 with the State Department of Education?

23 A Yes.

24 Q And how did the State Department of
25 Education use this information?

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1 A My recollection is that Nakeba collected
2 it, that she reviewed it, that she looked at the
3 strategic plans each GNETS director developed, and
4 to see if it was aligned with the self-assessment.

5 That's my recollection. I think that's
6 what happened.

7 Q I know you had mentioned earlier there
8 were also onsite reviews that were conducted. How
9 did those reviews interact with the, with the larger
10 process related to the self-assessments and ratings?

11 A Prior to probably 2014, 2015, I think
12 earlier we talked about something called the GSEP,
13 the Georgia continuing improvement monitoring
14 system.

15 There was information and data put
16 together by the monitoring team, who would visit
17 that GNETS program that was being monitored on that
18 cycle, and upon looking at that we made a decision,
19 as referenced in one of the emails we looked at,
20 that that GSEP process wasn't really working for the
21 GNETS programs.

22 So the monitoring shifted, and I believe
23 -- what I don't remember is did individuals from the
24 monitoring team continue to be involved with Nakeba.
25 I don't remember.

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1 Q Independent of these self-assessments, did
2 the Georgia Department of Education also rate the
3 GNETS programs as part of this process?

4 MS. JOHNSON: Objection.

5 You can answer.

6 A I don't remember.

7 Q How involved were you in the
8 implementation of the self-assessment rubric and the
9 rating system?

10 A I believe that was prime -- that fell
11 under Nakeba's review.

12 I may have had some interaction with it
13 but I'm not recalling at this point that I did.

14 Q But you contributed to the documents?

15 A I'm sure I reviewed it before it went out.
16 I think several people did.

17 Q I just want to look at this last
18 paragraph. If you can read this last paragraph here
19 in the introduction about the rating section?

20 A Okay.

21 Q It talks about how it's used in a few
22 different ways.

23 And let me know when you finish.

24 A Thank you.

25 Q Sorry, it disappeared. Okay.

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1 (Witness reviews exhibit.)

2 A Okay.

3 Q So is it correct to say that there is one
4 component of the rating section that requires the
5 GNETS teams to rate themselves -- it says here,
6 mid-year, at the end of the semester, in December?

7 A That's typically how a self-assessment
8 works.

9 Q And then further down it says: "The GaDOE
10 GNETS program manager will complete the rating
11 section with GNETS teams at the end of each school
12 year, June, and review supporting evidence to
13 validate operational ratings."

14 So at this stage, is it correct to say the
15 program manager would be involved in completing the
16 rating section with the GNETS teams at a later
17 stage?

18 A I, I don't have any other information
19 besides what's written in the paragraph.

20 Q And then this last sentence, it says:
21 "The scores obtained at the end of the year will be
22 used as final implementation data to assist GNETS
23 with coaching and improvement planning to scale up
24 effective practices across the programs."

25 From your involvement in helping

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1 contribute to this document, what would have been
2 the expectation for the state DOE when it says here
3 assisting GNETS with coaching and improvement
4 planning?

5 A I think when the self-assessment ratings
6 were done and validated in some way that the DOE
7 staff member working with this would sit with that
8 GNETS team and go through each of the sections and
9 say, let's look at what's operational, let's look at
10 what's emerging, let's look at what's realistic to
11 tackle in the next year.

12 I don't think you would write activities
13 for every single thing you were operational on.
14 You'd have to do some prioritization to come up with
15 a plan that could be implemented within a year.

16 So I think it would just be helping them
17 know about resources, coming up with strategies and
18 ideas, activities for adult learners, facility
19 things that needed to change. Whatever that section
20 was, leadership that needed to be improved, when you
21 think about those seven areas.

22 Q And the State Department of Education
23 would look for ways to support the programs in those
24 areas?

25 A Uh-hum. (Affirmative.)

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1 Yes. Yes. Sorry. Yes.

2 Q I'm going to stop sharing this document.

3 Earlier we had discussed that the 2010
4 audit had raised concerns about the State Department
5 of Education's efforts to collect and track data
6 about GNETS, correct?

7 A Yes.

8 Q I want you to look at this document
9 pertaining to some of the data systems.

10 MS. HAMILTON: I'd like for the court reporter
11 to mark this document as Plaintiff's Exhibit 310.

12 (WHEREUPON, Plaintiff's Exhibit-310 was
13 marked for identification.)

14 BY MS. HAMILTON:

15 Q And this email chain has a few different
16 emails in it, but I primarily want to focus on the
17 emails between you and Ms. Rahming.

18 MS. HAMILTON: For the record, the beginning
19 Bates number is GA00197079.

20 BY MS. HAMILTON:

21 Q Ms. Gay, I'll give you a moment to scroll
22 through this document.

23 (Witness reviews exhibit.)

24 A Okay.

25 Q So this first email is from Ms. Rahming --

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1 and, by the way, the email is addressed -- it
2 appears to be an email she's sending to the GNETS
3 directors. Is that correct?

4 A Yes.

5 Q And she is -- she appears to be sharing
6 with them information about a new common dashboard
7 or data system that's being created?

8 A Yes.

9 Q In bold she mentions something called a
10 GNETS dashboard via Student Information System.

11 What was the Student Information System?

12 A The Student Information System is a huge
13 platform available to local districts, teachers, to
14 look at student -- all kinds of data.

15 The Longitudinal Data System is the way
16 that teachers go in and look at student performance,
17 I believe, if I'm remembering that correctly.

18 We were meeting with -- student
19 information at this point had not been available to
20 GNETS programs through -- with a few that they had
21 direct access to. Some local school systems gave
22 them access to the Student Information System, some
23 didn't. For a whole variety of reasons.

24 But the other complication was that the
25 Student Information System is -- a part of that is

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1 figuring out which of these different products a
2 school district is using, Infinite Campus, Power
3 School, SchoolMax, et cetera. They are all
4 different platforms.

5 So we were working with our technology
6 division to try and figure out a few that would be
7 available to GNETS.

8 The reason I cautioned Nakeba in sending
9 this out so early on is the product was not
10 developed yet, and there was also a tightrope, or I
11 would say -- maybe tightrope isn't the right word.
12 But when you're telling GNETS directors something's
13 going to happen that will impact their local school
14 districts, it's always good practice to get the
15 information out to everybody at the same time.

16 So my caution was, let's, let's really
17 wait until it's operational. Let's notify those
18 local school districts what's coming so they'll be
19 aware of it, and just -- it was a cautionary email,
20 I think, to slow down just a little bit. You know,
21 we're going great, guys. We're going to get this
22 great thing in place, but let's get all the working
23 parts moving and think about channels of
24 communication that need to be in place to role this
25 out.

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1 THE VIDEOGRAPHER: Six minutes.

2 BY MS. HAMILTON:

3 Q In your email to Ms. Rahming, on the
4 second line here, you say: "Not trying to be
5 pessimistic-but I think getting 24 LEAs to agree to
6 this will be a challenge."

7 Why would it have been a challenge for the
8 LEAs to support having this system?

9 A Well, because they were going to have to
10 give the access through their system. So the ones
11 that -- the GNETS programs that had RESAs for fiscal
12 agents did not have access to the systems. So we
13 were going to have to find an LEA that would allow
14 them to access the Student Information System that
15 was one of the LEAs they were serving.

16 So there were just -- it was a very
17 layered process. And, again, sharing your Student
18 Information System would be kind of like sharing
19 your credit card. You know, you're letting somebody
20 come into it who really isn't one of your employees.

21 So each fiscal agent was going to have to
22 agree to give the GNETS program access. Not only
23 access to the students from their school districts
24 but access to all of the school districts that they
25 served.

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1 So until I think we really understood how
2 to get it built and how it worked, we needed to just
3 be cautious, and that was really what I was trying
4 to communicate.

5 Q And --

6 A Having rolled out several different kinds
7 of applications, there are always kinks. It never
8 quite works the way you think it's going to work
9 when you first role it out.

10 So we needed to -- in order to make it be
11 a smooth transition, I just wanted us to think about
12 all these different parts.

13 Q Notwithstanding the barriers, at the time
14 that you all were working on creating this common
15 dashboard data system, did you see value in there
16 being a common dashboard system?

17 A Oh, yes. I think it was a very valuable
18 project and I think it came to fruition, and, you
19 know, I believe it was a great technology tool.

20 And Nakeba, as I said earlier, was very
21 hands-on with technology, and she understood
22 development and a lot of things I didn't understand.
23 I just knew the complications with communication.

24 Q I'm going to stop sharing that document.

25 While you were working with the State

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1 Department of Education, did you see the number of
2 students enrolled in the GNETS program decrease over
3 time?

4 A I don't know the answer to that. I --
5 that would have been a period of 10 years, and I
6 don't recollect there was a dramatic decrease or
7 increase.

8 Q Did you review data regarding enrollment
9 in the GNETS program?

10 A The enrollment data had to do with the
11 funding formula. So I -- as I looked at grant
12 applications and budgets, those numbers drove some
13 of that. So in that sense I would have reviewed it.

14 THE VIDEOGRAPHER: Two minutes.

15 Q During the time that you served as the
16 deputy superintendent and the state special
17 education director, were there any additional ways
18 that you would have wanted to further support the
19 GNETS program?

20 MS. JOHNSON: Objection.

21 You can answer.

22 Q I'll just give you a little more context.

23 Like if you could have had a wish list of
24 items in ways to support the GNETS program, were
25 there any additional steps or resources that you

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1 would have put toward the program?

2 MS. JOHNSON: Objection.

3 You can answer.

4 A Probably would have come back to funding,
5 training, all of those things that promote
6 improvement.

7 MS. HAMILTON: Those are all of our questions,
8 Ms. Gay. Thank you very much for your time today.

9 THE WITNESS: Thank you for this walk down
10 memory lane.

11 THE VIDEOGRAPHER: Off the record at 6 o'clock
12 p.m.

13 (Whereupon, the deposition concluded at
14 6:00 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of DEBORAH F. GAY was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 263 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 4th day of August, 2022.

Wanda L. Robinson

Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

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D I S C L O S U R E

STATE OF GEORGIA) VIDEOTAPE DEPOSITION OF
FULTON COUNTY) DEBORAH F. GAY - 7/27/22
Pursuant to Article 10.B of the Rules and
Regulations of the Board of Court Reporting
of the Judicial Council of Georgia, I make the
following disclosure:

I am a Georgia certified court reporter.
I am here as a representative of Esquire Deposition
Solutions, LLC, and Esquire Deposition Solutions,
LLC was contacted by the offices of U.S. Attorney's
Office to provide court reporter services for this
deposition. Esquire Deposition Solutions, LLC will
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Esquire Deposition Solutions, LLC has no
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ERRATA SHEET FOR THE TRANSCRIPT OF:

Deponent Name: DEBORAH F. GAY

Case Caption: United States of America vs. State
of Georgia

Case No. : 1:16-cv-03088-ELR

I do hereby certify that I have read all questions propounded to me and all answers given by me on the 27th day of July 2022, taken before Wanda L. Robinson, and that:

_____1) There are no changes noted.

_____2) The following changes are noted:

Pursuant to state rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e), both of which read in part: Any changes in form or substance which you desire to make shall be entered upon the deposition with a statement of the reason given for making them.

Accordingly, to assist you in effecting corrections, please use the form below:

CORRECTIONS:

Page	Line	Change	Reason For Change

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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me. Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Signature of Deponent

I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this _____ day of _____, 2022, and executed the above certificate in my presence.

NOTARY PUBLIC

MY COMMISSION EXPIRES: